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RETIREMENT
TRANSPORTATION

SENATE CALIFORNIA LEGISLATURE

SENATOR
PATRICK JOHNSTON

FIFTH SENATORIAL DISTRICT
SERVING SACRAMENTO AND SAN JOAQUIN COUNTIES



February 1, 1995

Ms. Margit Aramburu
Executive Director
Delta Protection Commission
P.O. Box 530
Walnut Grove, CA 95690

I have reviewed the comments expressed by the California Farm Bureau in their letter to you of January 23, 1995. I thought you should know that I have similar concerns to the points they raised and I fully support their recommended changes in the Resource Management Plan. Their suggested changes based on Sections 29760(e) and 29767 of the Public Resources Code clearly represent the spirit and letter of the law embodied in the Delta Protection Act.

I know you have worked hard to provide a balanced approach to the sometimes competing interests within the Delta. I also worked closely with those interests, including the state and local county Farm Bureaus. I believe that it is in everyone's best interest to try to allay the fears of the Delta landowners relative to the long-range goals of the Act. For example, the impacts of proposed environmental mitigation easements in agricultural areas probably should be addressed in the Agricultural Policy P-7, if for no other reason than providing internal consistency within the plan. The policies in the Environment section and the recommendations in the Land Use section seem to support the Bureau's concern that environmental mitigation in agricultural areas should only be promoted when it is consistent and compatible with the ongoing agricultural operations.

I understand from Ross that another issue raised by Farm Bureau at last Thursday's hearing related to the priority that should be given to Delta levee maintenance and rehabilitation. As you might suspect, this was another keystone issue with Delta landowners. Again, I must concur with their logic on this point. As I read the stated goal of the Levee section it is to "give levee rehabilitation and maintenance the priority over other uses of levee areas." It seems the plan's policy would reflect that goal.

Ms. Aramburu
February 1, 1995
Page 2

Although these specific points reflect just two of the several raised by Farm Bureau, I understand they may be somewhat contentious. I hope you will accept my comments in the spirit that they are given; that is, to help represent the legislative intent of the Act and hopefully protect the long-term goals and objectives of the process that we have only just begun.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patrick Johnston", with a long horizontal flourish extending to the right.

PATRICK JOHNSTON
Senator, 5th District

PJ:c

Tri-TAC

Jointly sponsored by:
League of California Cities
California Association of Sanitation Agencies
California Water Pollution Control Association

Reply to:

December 21, 1994

Margit Aramburu, Executive Director
14219 River Road
PO Box 530
Walnut Grove, CA 95690

Subject: Delta Protection Act Implementation: Biosolids and Recycled Water

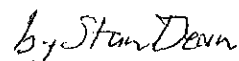
Dear Ms. Aramburu:

This letter is to transmit an issue paper on the proposed ban on importing biosolids and recycled water into the primary zone of the delta. The paper has been prepared by Tri-TAC which is a non-profit professional organization sponsored by the League of California Cities, California Association of Sanitation Agencies (CASA), and the California Water Pollution Control Association (CWPCA). Tri-TAC's mission is to work with regional, state, and federal regulatory agencies on matters relating to publicly owned treatment works (POTWs), with the goal of improving the overall effectiveness of environmental programs and regulations that impact POTWs in California.

It is the opinion of Tri-TAC that the proposed ban is unnecessary to protect public health and the environment, is not needed to achieve the objectives of the Delta Protection Act, and is not consistent with the authority of the Delta Protection Act. Furthermore, the proposed ban is counterproductive to statewide recycling efforts and could have far reaching impacts.

It is requested that you review the attached issue paper. If you would like more information, we would be pleased to assist you, and would appreciate the opportunity to meet with you to discuss the issues in more detail. A list of contacts and phone numbers is provided at the end of the paper.

Sincerely,



Robert Baker
Tri-TAC Chair

Attachments

SRD:ma
A:MERGE001.PRI

Statement by Department of Water Resources on the Revised "Draft
Land Use and Resource Management Plan for the Primary Zone of the
Delta" 1/

The Department of Water Resources has completed an initial review of the draft plan and provided a marked up copy to Executive Director Margit Aramburu for consideration by the Commission. We are still reviewing various aspects of the plan and may submit additional suggestions in the near future.

In marking up this draft we have been guided by certain topics which are of paramount concern to the Department and are the focus of our suggested revisions. These fall in three categories:

1. The plan should recognize the unfolding successful process of the CALFED December 15 accord and not include policies that would conflict with this accord. However, continued discussion concerning this subject is certainly necessary since the process is ongoing.
2. DWR's recommendations to the plan are intended to ensure optimal flexibility of the design criteria for Delta levees and preserve all program funding options. Levee standards which intersect a complex array of local, state, and federal concerns must be included in local levee plan decisions.
3. The plan should make a strong effort to welcome future USCE funding that is consistent with the plan. It should send a clear signal to the USCE that unfolding programs which include cost effective levee protection or environmental restoration are highly desirable.

We would like to note that the plan reflects an outstanding effort by Delta Protection Commission staff in dealing with very complex and difficult issues of Land Use Management for the Delta.

1/ Presented by Chief Deputy Director Robert Potter at the Delta Protection Commission January 26, 1995 meeting.

Page 1, last paragraph

The Plan consists of three sections. Part I, the Introduction, describes the planning program and the Plan objectives. Part II provides Findings and Policies, and Recommendations for actions from more than one local government, County or for State agency, or special district action.

Page 5

~~The~~ Aquatic habitats in the Delta were historically brackish and home to both resident and migratory fish. ~~Modern aquatic habitats are~~ Today the Delta is maintained as a freshwater aquatic system, affected by flows released from upstream dams, ~~and~~ seasonal drainage from agricultural lands, and year-round drainage from sources outside the Primary Zone, such as sewage treatment plants. Several large, freshwater lakes are located on the eastern edge of the Delta, providing year-round wetland open water habitat.

At all levels of the ecosystem, native plants and animals are now competing with ~~exotics~~ introduced species. Of particular

The native winter-run Chinook salmon and Delta smelt are ~~recently~~ designated endangered ~~species~~ and threatened species, respectively.

Page 7

F-6, Valuable Primary ~~habitat~~ for many birds and mammals is included on restricted to linear riparian corridors along levees and along riparian areas, to small isolated areas located on the islands, and on small channel islands, and Delta wetlands. Agricultural lands also provide high quality wildlife habitat, and foraging areas, depending on agricultural practices. The levees keep flooding from occurring, which would destroy habitat. Levees are manmade structures which have no habitat value when constructed. The value of wildlife and habitat on the levees is dependant on the maintenance of the structures.

F-7, The value to wildlife of levee habitat and habitat within the levees is ~~lessened~~ affected by on-going human impacts such as levee maintenance, farm practices, human habitation, and recreational use of the levees and waterways. Activities such as water transport and boating use and naturally occurrence of tide and ebb flows have eroded Delta islands and levees, destroying habitat areas. Without levee maintenance, ~~the habitat on the levees and within the islands~~ existing habitat configuration in the Delta will be lost. Good levee maintenance is needed to ensure protection of agricultural land and associated habitat.

F-9, There is no Delta regionwide management plan for of Delta wildlife resources. However, EPA's Comprehensive Conservation Management Plan, EPA Geographic Subcommittees, CALFED Framework Agreement, and SB34, US Army Corps Reconnaissance, and other studies are efforts that are regionwide.

F-11, The Primary Zone, with its large open expanses of farmland, which contain a mosaic of small grain crop residues and shallow flooded fields, permitting wildlife to feed and rest, provides extremely high quality wildlife habitat.

Page 8

Comment on P-1

p-1, If taken out of agricultural production for uses other than environmental restoration, the land shall remain reinstatable to agricultural production in the future.

P-4, The determination of a healthy estuary should fully consider advances, protection, and restoration of terrestrial habitat.

Page 9

R-4, Feasible steps to protect and enhance aquatic and terrestrial habitat should be implemented as may be determined by resource agencies consistent with balancing other beneficial uses of Delta resources.

R-7, DFG should provide improved guidance for mitigation banking programs that are in the Delta consistent with State legislation. To the extent they are consistent with these recommendations, DFG and USFWS should provide commitments on baseline conditions when needed to advance habitat improvement and have procedures to minimize uncertainties in enhancing island habitat.

R-8, Studies of potential earthquake risk should be performed to help develop contingency plans in the event of earthquake-induced failures. Critical levees on the western side of the Delta closer to potential earthquake faults (e.g. Sherman Island levees) should receive levee improvements to provide limited protection for low levels of earthquake shaking.

Page 11

Goal: ...Where construction of new utility and infrastructure facilities is appropriate, ensure the impacts of such new construction on the integrity of the levees, wildlife and agriculture are minimized

F-13, Improper use of wastewater or use of inadequately treated wastewater on Delta lands could have significant negative effects on the water supply for millions of Californians and on Delta agriculture. Regardless of the quality of the wastewater, the mere perception that there is an increased health risk associated with use of wastewater or sludge could have catastrophic consequences to the Delta. The marketing of agricultural products from the Delta for human consumption will be made more difficult and in some cases impossible, especially when competing with products which are not burdened with the exposure of wastewater. The perception that there is an increased risk of contamination of water used for human consumption may be used by those intent on destroying the Delta as a justification for bypassing the Sacramento River around the Delta to the SWP and CVP pumps by way of a Peripheral Canal or other isolated transfer system.

F-14, Proper use of wastewater which has been subjected to adequate treatment, properly disinfected and managed has the potential for beneficial use to supply wetlands in the far western portions of the Delta. In such areas, the likelihood for contamination of water used for human consumption can be reduced by the maintenance of adequate Delta outflows and by ensuring that the levees surrounding such areas are constructed to meet the minimum requirements for protection of urban areas. Because of the potential for contamination of drinking water supplies, the approval of any such project should be conditioned upon the prior review and written approval by each of the public water system operators using Delta waters. The creation of wetlands in the Delta could enhance waterfowl in the Pacific Flyway and could help control subsidence in the deep peat soil areas of the Delta. Funding necessary to create wetlands and to rehabilitate Delta levees is limited. Sanitary agencies typically have sufficient resources to fund wetlands creation and flood control improvements as a tradeoff for reduced treatment costs.

P-3, New sewage treatment facilities (including storage ponds) and areas for disposal of sewage effluent and sewage sludge serving uses outside the Delta Primary Zone shall not be located within the Delta Primary Zone. The Rio Vista Project as described in the adopted Final Environmental Impact Report for such project and the Ironhouse Sanitary District use of Jersey Island for disposal of treated wastewater and biosolids are exempt from this policy. Due to the significant unknowns associated with wastewater reclamation in the Delta, adequate monitoring of the Ironhouse Sanitary District Project should be conducted such that issues related to water quality, regulatory compliance, public acceptance, and public benefit can be evaluated. The commission shall reevaluate the portion of this policy as to the use of wastewater for wetlands creation and subsidence control in the far

western portion of the Delta if after three (3) years the Commission finds there is sufficient data from the Ironhouse Sanitary District Project to merit such reconsideration.

Page 14

R-3, The existing commercial shipping channels should be maintained, and if determined to be environmentally and economically appropriate, deepened to meet modern shipping needs. Expended use of shallow draft vessels, such as barges, should be explored as a transportation alternative to highways. Where feasible, beneficial reuse of material excavated from the shipping channels should, if feasible, be used for maintenance of Delta levees or for wildlife habitat enhancement within the Delta and for other uses within the Delta.

Page 15

R-8, Utilities should be required to contribute a fair share, such as through Reclamation District reassessments, to the cost of levee maintenance and other local services and should not result in a reduction of assessable acreage for reclamation districts.

Page 18

F-9, The Department of Water Resources (DWR), the agency which operates the State Water Project, owns the Clifton Court Forebay, a water area adjacent to the beginning of the California Aqueduct. As part of the State's goals to protect the integrity of the Delta islands, DWR has purchased most of Twitchell Island (~~3,500~~ 3,000 acres) and plans to acquire most of Sherman Island (10,000 acres) to control subsidence and protect the levees. DWR proposes to convert the agricultural lands to wildlife habitat. A national expert has completed studies on the habitat values. DWR owns additional lands, some managed by Department of Fish and Game and some leased to farmers.

Page 16

fourth paragraph

The Department of Water Resources (DWR) has announced its intention to acquire both Sherman and Twitchell Islands, totalling 13,500 acres, to protect the integrity of the levee system, develop wildlife habitat and control soil oxidation and subsidence ~~control subsidence.~~

Page 20

F-17, The highest quality wildlife habitat in the core Delta is the large open expanse of farmland, with a mosaic of small grain crop residues and shallow flooded fields, allowing wildlife to

feed and rest. Good levee maintenance is needed to ensure protection of agricultural land and quality wildlife habitat since most of the agricultural lands are below sea level.

Page 22

top of page

Mitigation in the Primary Zone for impacts in the Secondary Zone is acceptable if the mitigation program ~~supports continued farming~~ is designed to minimize adverse impacts on surrounding agricultural practices. (This policy should be revised to allow permanent conversion of agricultural land to environmental mitigation sites.)

R-3, Habitat restoration projects should not be designed to minimize adversely impacts on surrounding agricultural practices.

R-7, Regulatory agencies should consider the value of protecting high quality wildlife habitat associated with farmland from inundation when valuing the impacts and mitigation associated with levee improvements.

Page 25

F-10, Conflicts between agricultural activities and new residential, commercial, industrial, and recreational uses create long-term conflicts which have a deleterious impact on agriculture. There are also conflicts between agriculture and management of subsidence. Complaints by non-farmers include: noise, dust, odors, flies, mosquitoes, aerial applications of fertilizer, pesticide and herbicide, night activity, and other aspects of normal agricultural activity. Complaints by farmers include trash, vandalism, increased traffic, loss of agricultural land, and dust. Also, land use practices associated with landslide.

Page 26

F-13, Agriculture return flows can increase total organic carbon loading which affect treated domestic water supplies and Delta diversions.

F-14, One-thousand eight-hundred diversions for agriculture are unscreened.

F-15, The state legislature has a policy statement to keep the Delta in its present form wherever possible.

F-17, Federal and state water project transport flows are less than flood and tidal flows. These transport flows improve water quality. The Department has conducted a ten year scour monitoring program which has not concluded any appreciable long-term scour consistent with increased diversion . Transport of State and federal project water through the Delta can result in reverse flows and may detrimentally affect some fish species.

Comment on F-17 and R-7

"Transport of State and federal project water through the Delta ~~does~~ may result in levee erosion and reverse flows and may detrimentally affect some fish species." There are no known studies that show the State Water Project and the Central Valley Project flow diversions cause levee erosion.

F-21, In 1992 Governor Pete Wilson established a comprehensive state water policy.

P-1, Salinity levels in Delta waters shall ensure full habitat for aquatic life, and meet requirements for drinking water and industrial uses. Consistent with overland facilities that are in the water code.

P-3, Water agencies at local, state, and federal levels shall work together to ensure that adequate Delta water quality standards are set and met and that beneficial uses of State waters are protected consistent with the CALFED agreement.

P-4, The Delta Protection Commission supports the water policy established by the Governor. The Delta Protection Commission recommends involvement and participation with the CALFED agreement.

R-1, The Delta waterways should continue to serve as a primary transportation system moving water to the State's natural and developed water systems.

R-5, Water for flooding to provide seasonal and year-round wildlife habitat should be ~~provided~~ reviewed as part of State and federal programs to provide water for wildlife habitat.

R-7, State and federal water projects are beneficiaries of the Delta waterways and levees; the projects should fund that portion

of levee erosion caused by water transport and should ~~contribute to the maintenance of western Delta levees which are essential for efficient salinity control.~~ continue programs that fund protection of Delta levees.

Page 34

Third paragraph

Public parks are limited in number. There are five public fishing access/launching facilities ~~owned by Department of Fish and Game and~~ managed by Sacramento, ~~and~~ Yolo and Solano Counties. San Joaquin

Page 35

Third paragraph

Concerns have been raised that boating activities create vessel wakes that damage levees, and that boating and jetskiing activity disturbs wildlife living in the sloughs and waterways. There is no regulation of the number of vessels using the Delta waterways and there is concern that some areas for the Delta have reached maximum capacity thus resulting in conflicting uses for some water-orientated recreational activities. For example, quiet boat fishing does not mix with jetskiing or waterskiing.

Fourth paragraph

Protection of public safety and compliance with boating and fish and game ~~laws is carried out~~ regulations are enforced by peace officers ~~of in~~ a number of agencies including ... State Department of Fish and Game,...

last paragraph

New recreational facilities could be provided at low cost on publicly-owned land where those lands will be supervised. Examples included: pedestrian access on Reclamation Board-owned levees adjacent to Brannan Island State Park;....

Page 36

F-2, Some recreational activities are detrimental to habitat values such as loud noises, harassment, cleaning vegetation for firewood, creation of extensive waves or wakes, or disturbance of sediments.

Page 37

F-11, In the Primary Zone, existing public recreation and access facilities are limited in number and include: five public fishing/launching access ~~points owned by Department of Fish and Game and facilities~~ managed by Sacramento, and Yolo, and Solano Counties, fishing access at Clifton Court (Comment: What about White Slough Wildlife Area ??)

Page 39

P-2, (Comment: Suggested to use "local agencies" instead of "government" on P-2, P-3, P-4, P-5, P-6, P-7, R-7, and R-8)

P-2, Last sentence

Ensure any new recreational facilities will be adequately designed, constructed, supervised and maintained.

P-7 (Comment: Where is the funding coming from to do this?)

Page 40

Comment on P-7

These facilities would be suitable for small boating, swimming, and picnicking (not just fishing).

Page 41

R-6, State and federal projects in the Primary and Secondary Zones should include appropriate recreation and/or public access components to the extent consistent with project purposes and with available funding. State and federal agencies should

R-8, Local government should develop funding sources to provide adequate enforcement of existing laws to protect health, safety and welfare of Delta recreational users. Recreation access areas need to be properly maintain.

Page 42

First paragraph

Constructed levees are the key physical element which created and maintain the Delta as we know it today, allowing draining of the low-lying lands for agriculture. The levees protect human life and existing structure....

Second paragraph, second sentence

Flood levels of fifteen (15) to twenty (20) feet can be expected at some area. Due to

Comment on second paragraph:

Third sentence: They will erode away without failure too, just the rate of erosion will increase greatly. Also there is an impact on land-based recreation (general public benefit). How about the loss of life and property? Those are just as important.

last paragraph

The levees were ~~originally~~ built byor shipping channel project and operated are maintained by the state or a local agency.

Comment

Add to the end of the page, "Some locally constructed levees were subsequently adopted as federal levees.

Page 43

first paragraph

Different standards have been adopted in the past regarding the growth and removal of vegetation on the levees. The construction-oriented agencies support vegetation ~~control~~ operation and maintenance to allow maximum surveillance of the levees. Wildlife management agencies promote growth of riparian vegetation to fish provide wildlife habitat. Agencies are working toward closing the gap. (Comment: we are getting away from the vigil standard approach and experimenting with guidelines)

Second paragraph

While early.... Hazard Mitigation Plan standards to be eligible for federal financial assistance in case of a flood. The standard requires an levee crown elevation on foot above the 100-year flood, The PL-99 standard requires a levee crown elevation 1.5 feet above the 100-year flood elevation. (Re: PL-99, is it true that Corps assistance, in a Presidential Emergency, may be available to levee districts attempting to meet PL-99 Standard? I have never heard of this - Dave Lawson)

Page 44, second paragraph, last sentence

Comment: Rehab and maintenance are not uses; they are necessary actions.

F-1, Many Delta levees were ~~originally~~ built stop low

F-3, Change agency to agencies. Also see comments on Page 42, last paragraph.

F-4, replace "specific construction project" with "development".

F-5, Guidelines for ~~control~~ management of vegetation on levees promote grasses and limited tree growth allowing easy visual inspection and protection of integrity of levees.

Page 45

F-6, Where levees which are not routinely stripped of vegetation and become heavily vegetated, levee maintenance work will require removal of that vegetation; that loss of vegetation ~~will likely~~ may require mitigation. ~~under the California Environmental Quality Act.~~ (Comment: No maintenance is exempt. It is a requirement under SB 34 and ESA). Mitigation means ~~replacement~~ mitigation offsetting impacts of the habitat ~~losses which is removed~~, on site or nearby. The ~~replacement~~ ratio may be larger than ~~the acreage removed one~~.

F-7, For non-project levees to be eligible for FEMA assistance in a Presidential declared disaster, reclamation districts must bring levees to the Flood Hazard Mitigation Plan standards. Those standards currently are: one foot of freeboard above the 100-year flood frequency water-surface elevation; 16 foot crown width; water side levee slopes of 1.5 to 1; and land side levee slopes of 2 to 1 or flatter. For non-project levees to be eligible for Corps' assistance in a Presidential declared Delta disaster, (also see remarks on PL-99, Dave Lawson) levees must meet PL-99 standards. Those Standards are: 1.5 feet above 100-year flood frequency water surface elevation; 16 foot crown width; water side levee slopes of 2 to 1; and land side levee slopes of 3 to 1 to 5 to 1, depending on height of levee and depth of peat.

F-8, Materials for levee construction and repair have routinely been dredged from adjacent waterways. Environmental ~~regulations~~ laws to protect ~~endangered~~ fish and water (comment: CEQA requires protection of all species, not only the endangered one) and other restrictions have limited access to

F-9, Historically, all costs of levee maintenance ~~fell on~~ were incurred on the landowners, even though multiple beneficiaries of the levees have been identified. Currently, assistance from the State is available to reclamation districts for maintenance of non-project levees under the Delta Levee Maintenance Subventions Program, due to

Comment on F-10:

Obtain state and federal permits are requirement regardless of the

funding source.

Page 46

Comment on F-11

lack of coordination - I disagree, the coordination between DWR and DFG is routine and without complaint, DFG does a good job in coordinating federal resources agencies. The only problem is dredging, as I know it. Other efforts are well coordinated. Regarding the length of time to obtain approvals for levee maintenance ranges from approximately six months to several years, that is not the case in SB 34.

Comment on F-12

"No special funds have been set aside by the State for emergency levee repair work carried out by the State or by reclamation districts." Clarify this statement by indicating there are no funds reserved exclusively for such work. The timing and extent of emergency work cannot be predetermined. The State has several means to accomplish emergency work including Water Code Section 128, the California Emergency Services Act, interagency agreements, and funding from Senate Bill 34 (The Delta Flood Protection Act).

Comment on F-13:

End of first sentence, adds "and individual species".

Comment on F-14:

Unclear on how large the magnitude of earthquake.

Comment on F-15

"The levees are constantly subjected to erosion from natural and created causes including: floodflow, tides, wind waves, vessel wakes, and waters drawn into the State and federal water projects." Again, reword this statement because there are no known studies that show the State Water Project and the Central Valley Project flow diversions cause levee erosion.

F-15

Levee failures... then more specifically by contributing factors (island subsidence, levee cracks and fractures induced by lateral levee movement, encroachments, ...

Page 47

Comment on R-1 "uses": Rehab and maintenance are not uses; they are necessary actions.

P-1, Delta levee shall be maintained to provide flood protection, to protect human life, to protect private and public property, to protect historic structures and communities, to protect riparian and upland habitat, to promote interstate and intrastate commerce, to protect water quality for local use and for the state and

federal water projects, and toDelta levee maintenance and rehabilitation should be given priority over other uses (Comment: see comments on uses on page 44) of the levee areas. ...including support of vegetation for fish wildlife habitat, shall be allowed.

P-2, If levee guidelines are needed, ~~local governments~~ SRA shall adopt guidelines for federal and local levee maintenance and construction at a minimum as stipulated in the Flood Hazard Mitigation Plan. and set longer term goals of meeting PL-99 Standards (comparable or flood protection). If vegetation standards are needed, local governments shall adopt the ~~proposed~~ finalized state and ...

Comment on P-4

Existing programs for emergency levee repair should be strengthened and better must be coordinated through between local, state, and federal governments and shall include: definition of an emergency; designation of emergency funds; emergency contracting procedures; emergency permitting procedures; interagency agreements and coordination, and other necessary elements.

P-5, The US Army Corps of Engineers is currently involved in studies that could provide funding, flood protection, and environmental restoration on several Delta islands as well as an ongoing special study. The Delta Protection Commission supports these actions and encourages further involvement to improve regulatory streamlining, beneficial reuse dredge material improve levees, provide funding and environmental enhancement.

P-6, The Delta Protection Commission supports the US Army Corps' LTMS program which includes, BCDC, EPA, DWR, and RWOCB actions to beneficially reuse material for additional safe and cost effective flood control and levee rehabilitation.

P-7, Counties shall use their building permit authority to control levee encroachment that are detrimental and good flood control practices.

P-8, Counties will adopt a plan that allows for flexible and protective levee standards with PL-99 and HMP priorities. The Counties will evaluate their levee plan in connection with State subventions programs, State Special Programs, Project levee designations and FEMA National Flood Insurance Programs.

P-9

Counties will request Reclamation District to have a written levee emergency action plans.

Page 48

Comment on R-2

Not only landowner and wildlife habitat benefit from the levees, local government and individuals benefit from levees as well.

R-3, Due to the difficulty in identifying all the beneficiaries of both State and federal levees and the entities that cause adverse impacts to the levees, the simplest way to collect the non-local share of funds needed to maintain the levees would be through non-fundable

Comment on R-6

Who would do the regulation if priorities are established for in-Delta use of soil excavated from within the Delta?

Page 49

Comment on R-9

~~A-The program should be established~~ for emergency levee repair should be strengthened.

R-10, Maintain an inventory of the current status of Delta levees with emphasis on those meeting various standards (HMP; PL-99; etc.)

Comment of R-12

Vegetation guidelines have been established.

Grammar Changes Only

Page 2

These activities can only be carried out by non-profit groups, State agencies, and others_ outside the authority of the local governments Counties.

Page 7

However, the population of some introduced species of fish and of some other introduced aquatic species throughout the aquatic food chain has substantially increased.

The Primary Zone, with its ~~core Delta~~ is the large open expanses of farmland, which contain a ~~with a~~ mosaic of small grain crop residues and shallow flooded fields, permitting wildlife to feed and rest, provides extremely high quality wildlife habitat.

Page 10

Due to the Delta's location between major population area, its unique resources, especially water and natural gas ~~and~~ its flat..

Page 13

Due to subsidence, transmission lines, high winds, fog, and high rapture and waterfowl use, the Primary Zone is ~~would not be~~ an.....

Page 36

second paragraph, maximize ~~dwindling~~ available public funds for recreation by promoting public-private partnerships and multiple use of Delta lands.

Page 48

R-5 - districts, State, and federal agencies_ which results...

Page 60

* results in ~~an~~ increased requirements...

Page 61

* ~~adversely~~ impacts to agricultural lands or increase...

* ~~adversely~~ impacts to navigation.

Plan amendments submitted by local governments within 60 days of..

DELTA PROTECTION COMMISSION

January 26, 1995

Delta Protection Act Implementation: Biosolids & Recycled Water

COMMENTS ON TRI-TAC ISSUE PAPER DATED DECEMBER 20, 1994

Jane E. Beswick, Coordinator

Coalition for Sludge Education

12801 W. Bradbury Road, Turlock, CA 95380

I. COALITION FOR SLUDGE EDUCATION

The Coalition for Sludge Education was formed in April of 1993. It is a group of farmers and residents of Stanislaus County working together to educate farmers, farm organizations and the general public of the possible negative implications of spreading sludge on farmland.

The U.S. Environmental Protection Agency, municipal water treatment plants and industry organizations, such as the Water Environment Federation and Tri-TAC, have full time personnel--even the Chief of U.S. EPA's Risk Assessment Branch--dedicated to speaking on behalf of the benefits of using sludge, promoting it to farmers and lobbying regulatory agencies to facilitate the disposal of sewer sludge. However, these groups have not disclosed the potential down side of using sludge.

I recently attended a Planning Commission meeting for the City of Modesto concerning a Co-composting proposal. One lady, a neighbor of the proposed composting site, came to object to the amount of traffic which would have to negotiate an "S" curve on Jennings Road. She was shocked to find that "biosolids" was sewer sludge. In fact, enhancing the image of sludge is why its name has been changed to "biosolids" according to an article by Gene Lodgson in BioCycle magazine (5/92), a trade journal.

The Coalition is convinced it is necessary to inform farmers who are willing to help recycle society's waste that they alone will be bearing all the costs in the event of contamination of crops, soil or water. In other words all liability will be transferred to them alone. Additionally, a public perception problem could occur when society learns that modern day "biosolids" is just old-fashioned sewer sludge.

So, there are three major areas of concern for farmers:

1. Inadequate health research.
2. Transfer of Liability
3. Possible public perception of an unsafe food supply.

II. SPECIFIC ITEMS IN THE TRI-TAC PAPER WHICH ARE NOT ACCURATE

- A. "Biosolids . . . are already heavily regulated at the federal, state and local levels."
(Page 1, Item 3, Tri-TAC)

*Exhibits
A to E*

1) FEDERAL REGULATION

U.S. EPA's 503 regulations are an unfunded mandate.

The regulations are thick, and assertions from the sludge industry that sludge is safe are unending, but regulations and promises don't assure compliance.

Clear lines of accountability along with independent third party monitoring at the local level are ways to help insure compliance. However, that is not the case with sludge.

Sludge management plans can look fine on paper but a well-written plan is no guarantee it will be complied with or that it will work out well in the field even if it is followed.

- a.) An instance in Columbiana County, Ohio is a example.

The plan was followed but the result was fish died and the project was stopped.

- b. City of Modesto's plan called for a maximum loading rate of 12 T for corn and 1 T for oats but applied 25.5 Tons.

- c. New York Sludge delivered to Bowie, Arizona.

If it met the required pathogen levels at the plant, it exceeded fecal coliform limits by up to 33.5 times the federal limit when it was tested in Arizona.

Ex's
1+2

The first load on April 5, 1994 contained petroleum hydrocarbons at 14 to 22 times the state cleanup level for tainted soil.

2) STATE

In a February 24, 1994 letter, California EPA Secretary, James Strock, informed Felicia Marcus, U.S. EPA Region IX, that California EPA has elected not to seek the right to administer the sewage sludge application rules.

An article in the California Environmental Insider (2/28/94) stated, "... this is the first time we at CEI remember a specific decision not to seek delegation." The reason--no money was provided to cover the cost of enforcement.

3) LOCAL

Unless an ordinance regulating sludge is in place, it is doubtful there will be local oversight.

- B. "RWQCBs will assure that biosolids and recycled water do not impair the beneficial use of water resources."

The Regional Water Control Boards have not sought delegation from U.S. EPA to administer sewer sludge. They issue Waste Discharge Requirements but long-distance oversight is not desirable.

An experiment the Central Valley Regional Board oversaw to pasteurize sludge in Oakdale, Stanislaus County, had to be shut down. We have videos of heavy equipment burying the sludge on the site. This project is one reason Stanislaus County formed a Sludge Task Force to draft an ordinance.

- C. "Biosolids and recycled water . . . have been proven as safe to human health and the environment."

HUMAN HEALTH

I ask anyone in the sludge industry to provide just one epidemiology study which proves the health safety of sludge application to farmland.

1) OHIO STUDY

When it comes to proving health safety, a study done in Ohio in the mid 1980's is always cited. This study does not prove health safety and even has a disclaimer on the front page not to use the data to predict health risks associated with sludges containing higher levels of disease agents, higher application rates and larger acreages treated per farm.

Application rates ranged from .8 T/acre to a maximum of 4.9 T/acre. The average spread site was 37 acres in Medina and Clark Counties and 116 acres on 18 of the 25 farms in Franklin and Pickaway Counties. Additionally, less than 28 percent of the farms which began the study actually completed the full three year study.

On page 333 of the study it says, "there remain questions about the human health and animal health consequences of this practice."

2) OCEAN DUMPING BAN ACT (12 Mile Site) and OCEAN DUMPING REFORM ACT (106 Mile Site)

The legislative history of these two acts seems to explain why U.S. EPA has not actively investigated health complaints concerning land application of sludge.

U.S. EPA tried to force New York City to end ocean dumping of sewage sludge in 1981. Sewage sludge was defined to mean sludge which "unreasonably degraded the marine environment." The City sued EPA arguing that its sludge did not "unreasonably"

degrade the marine environment because ocean dumping was environmentally preferable to land-based alternatives."

A Federal District Court ruled in favor of New York City (City of New York v. EPA, 543 F. Supp. 1084 (S.D.N.Y. 1981)). U.S. EPA was ordered to revise its regulations and New York City was allowed to continue dumping until EPA determined whether the dumping unreasonably degraded the environment. EPA did not appeal the decision and eight other dumpers were also allowed to continue dumping.

In the meantime, legislation was introduced in both the Senate and House to reverse this decision and end sewage sludge dumping at the 12 mile site. In the face of this pending legislation, EPA, on April 1, 1985 announced its decision to close the existing 12 mile dump site and move the dumping to a new site off the continental shelf known as the 106 mile site. (50 Federal Register 14336).

In making its decision, EPA determined that the New York Bight Apex was heavily degraded and that sludge dumping at the 12 mile site, had contributed to this degradation.

Adverse impacts at least in part contributed by sludge dumping included:

bacterial contamination and closure of shellfish areas; perturbations in water quality in and adjacent to the site; elevated levels of toxic metals and organohalogenes in bottom sediments in and near the site including known fishing areas and within five nautical miles of coastal beaches; community changes in relative abundance and diversity of species; sublethal toxicity effects in economically valuable species; and bioaccumulation of certain metals and organohalogenes in fish and shellfish.

With the onset of large scale dumping of sewage sludge at the 106 mile site in 1987, fishermen began to complain of significant decreases in catches and incidences of diseased fish which were previously not found at these depths. Some of the diseased fish have a shell disease which is associated with sewage sludge and pollution in coastal waters. This disease was found around the 12 mile dump site.

On February 2, 1988 Senators Lautenberg, Bradley, Chafee, Biden and Roth introduced, S. 2030, the Ocean Dumping Reform Act. The bill would amend the Ocean Dumping Act to make it unlawful to dispose of sewage sludge at the 106 mile site after December 31, 1991. The term "sewage sludge" is defined to exclude the language referring to unreasonable degradation which was the basis of the 1981 court decision which allowed sludge dumping to continue.

Section 4 amends the Ocean Dumping Act to define the term "sewage sludge" to mean any solid, semisolid, or liquid

waste generated by a wastewater treatment plant.

IMPORTANT "EPA would be precluded from determining whether or not the sewage sludge may unreasonably degrade or endanger human health, welfare or amenities, or the marine environment, ecological systems and economic potentialities."

(Legislative History, Senate Report No. 100-431,pg7)

These changes are made to reverse the 1981 District Court decision which allowed ocean dumping of sewage sludge to continue. In that case, the Court found that sludge dumping by New York City had not "unreasonably degraded or endangered human health. .".

QUESTION: Does this mean that in exchange for New York City not being allowed to dump sludge in the ocean, the U.S. EPA will not be allowed to determine whether or not sewage sludge may unreasonably degrade or endanger human health?

QUESTION: Does this mean that U.S. EPA's Risk Assessment does not determine whether or not sewage sludge may unreasonably degrade or endanger human health?

3) U.S. EPA Health Risk Assessment

U.S. EPA is relying heavily on its Health Risk Assessment to predict health safety. To say the least, this is an inexact measurement of risk.

The congressional Office of Technology Assessment (OTA) said in a January 14, 1994 Press Advisory, "Health risk assessment research is itself at risk." *ef 3*

Some of the other comments they made include:

"The attention and resources allotted to health risk assessment research are not commensurate with its impact on public health and the economy.

"Data for assessing risks are usually incomplete usually limited to information from animal tests; more rarely, information is available and requires the use of extrapolations to make predictions of risks in humans and at other exposure levels. The extrapolations are encumbered with great uncertainty.

"Nevertheless, however uncertain the results of health risk assessments, they provide the foundation for health risk-based decisions.

"The research being conducted is without national leadership and coordination and is fragmented within and across at least 12 federal agencies.

(No clear lines of responsibility and accountability.)

- D. "in fact, in all the years that properly treated biosolids have been applied to the land, we have been unable to find one documented case of illness or disease that resulted"
(Martha Prothro, former Deputy Assistant Administrator for Water, U.S. EPA, statement made September 1, 1992)
(Page 4, Item 4.A., Tri-TAC paper)

Martha Prothro may have chosen her words correctly about being "unable" to find one documented case of illness or disease.

QUESTION: Has EPA been "unable" to find one documented case of illness or disease because the court has precluded investigation of complaints concerning illness?

III. TRANSFER OF LIABILITY

There are four reasons why liability should be an issue for farmers.

1) EPA removed sludge from the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) because sludge is now "a normal application of fertilizer." That means if a problem of soil or water contamination results, there will be no help from the Federal government to remedy the problem. *cf 4*

2) Municipalities do not sign the contract with the landowner who accepts the sludge. Typically, they hire a person to remove the sludge and that person finds farmers willing to take it. He signs the contract with the landowner so there is no direct link between the landowner and the municipality.

3) Farm liability policies contain a "Pollution Exclusion" which says in essence, if a farmer brings any material onto the farm for recycling and contamination results, there will be no insurance coverage. Have your insurance agent explain what a pollution exclusion is.

4) Even pollution legal liability policies contain exclusions. One I have in my possession has 17 specific exclusions which fill 2 pages of the policy. Number 8 excludes soil and water contamination. So, if a certificate of insurance certifies that pollution insurance is in force, obtain a copy of the full policy. Have your own insurance agent explain what is and is not covered.

To prevent the transference of liability, a farmer must either get the municipality to sign the contract for the sludge you accept from them, or require a bond or insurance policy which will cover any contamination of crops, soil, or water. Your county can help by requiring either of these to be mandated in a local ordinance.

IV. PUBLIC PERCEPTION OF AN UNSAFE FOOD SUPPLY

Farmers can be severely impacted if the public perceives there is something wrong with the food supply. Ask an apple farmer who was impacted by the Alar scare. Even if there is nothing wrong, if the public thinks something is wrong, there can be serious repercussions for the commodity involved. While U.S. EPA supports landspreading of sludge it will not bear the financial impact if the public doesn't agree with their risk assessment.

Food processors like Del Monte, Heinz U.S.A., Nestle USA, Inc., National Food Processors Association, Tri Valley Growers, and The American Frozen Food Institute prohibit the use of sewage sludge on fields used to produce food crops. Perception is one reason for the prohibition.

We are all aware of the fact that DDT, asbestos, lead in gasoline and lead in paint were once considered safe. The metals limits allowed in the United States are much higher than in Europe, Canada and British Columbia. What if they are right and the U.S. EPA is wrong?

SUMMARY

In summary, the U.S. EPA says sludge is safe. Municipalities and generators of sludge say their sludge is "clean" and spreading it on farmland is safe and even beneficial. Glossy brochures show lush green crops growing where sludge is spread. It would be easier to believe if they would be willing to assume liability for any adverse impacts from spreading their sludge.

Most of a farmer's assets, his ability to generate income and his retirement are tied to his animals and his land. If society needs farmers to dispose of its waste, then society should be willing to accept the liability if the farmer is adversely impacted in the process.

Sludge is an issue which is not going to go away. Since the 1970's the quantity produced has doubled and it is expected to double again by the year 2000 because of the Clean Water Act. Add to that the push to reduce the amount of materials taken to landfills and farmland is the cheapest place to dispose of waste. If a less costly alternative were developed, perhaps there wouldn't be as much emphasis on landspreading. In the meantime, however, farmers and the public need to be educated concerning the possible risks of using sludge.

The Delta Protection Commission is correct to ban the spreading of sewer sludge in the Primary Zone of the Delta.

Thank you for the opportunity to address the Commission.

1/26/95 - Received at meeting

Comments by Alex Hildebrand, January 26, 1995, on the
Delta Protection Commission's Draft Land Use and Resource
Management Plan for the Primary Zone of the Delta

My name is Alex Hildebrand. I am here to comment on the revised Land Use and Resources Management Plan for the Primary Zone of the Delta. My comments are made in my capacities as President of the Delta Water Users Association, and director of the South Delta Water Agency, and President of Reclamation District 2075, and as a Delta farmer. I am also a director of the San Joaquin County Farm Bureau.

We appreciate the efforts of this Commission and concur in most of the draft plan. It represents a lot of thought on a complex issue.

However, we support the comments recently submitted by the California Farm Bureau Federation (CFBF). The most important of their comments relate to two provisions in the Johnston Act which do not appear in the Plan. The Act specifically provides that nothing in this plan shall deny the right of a landowner to continue the agricultural use of the land. The Act also provides that recommendations contained in the Plan shall not be achieved through the exercise of the power of eminent domain unless requested by the landowner. These provisions were among those that were essential to our support of passage of the Act.

Another important CFBF comment was that the Commission should not insert itself into the public trust boundary disputes between the State Lands Commission and the private landowners. The State should not encourage and finance the Land Commission in an escalation of this adversarial issue. The legislature last year passed a statute to provide more equity in the handling of these disputes. A further statute may be needed. The Commission should leave this issue to the parties and the legislature.

We also specifically endorse CFBF's proposed revision stating that "Delta levee maintenance and rehabilitation shall be given priority over other uses of the levee areas". It should be emphasized that if levees are allowed to fail, the Delta's land and channel configuration may be lost and the central Delta may thereby be converted to an inland sea. This would be a catastrophe not just for agriculture, but for aquatic habitat, recreation, waterfowl habitat, transportation, etc.

Lastly we wish to comment on the issue of disposal in the primary zone of sewage originating outside the primary zone. This subject is being more extensively covered by other agricultural parties. I will not reiterate what they have to say, but wish to emphasize the problem of salinity. Salinity in many of the Delta's channel reaches is already far above historical levels due to decreased Delta inflow and outflow, and to the substantially increased salinity of the San Joaquin River inflow resulting from westside drainage, and from increased urban sewage discharges. The

salinity of urban sewage is typically too high for irrigation of many crops without yield reduction. This is particularly true with the Delta's sub-irrigation needs and high water tables. This salt load is not removed by any sewage treatment short of reverse-osmosis. Sewage treatment facilities and sludge disposal in the primary zone are clearly unacceptable. The use of treated sewage water for irrigation in the primary zone should only be permitted if (a) the salinity is no higher than the water in adjacent channels, and (b) all health hazards can be resolved, and (c) there is a clear acceptance of the risk that public perceptions may make it difficult to sell crops for full value, and (d) it is not used as an excuse to demand an isolated water transfer system across the Delta for exported water.

Thank you for your consideration of these comments.

Alex Hildebrand
23443 S. Hays Road
Manteca, CA 95337

cc Delta Water Users
 South Delta Water Agency
 San Joaquin County Farm Bureau

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Alex Hildebrand
23443 S. Hays Road
Manteca, CA 95337

cc Delta Water Users
 South Delta Water Agency
 San Joaquin County Farm Bureau

Danny L. Mercer

Consulting Environmental Chemist

8990 W. Howard Road
Stockton, CA 95206
(209) 469-3817
FAX 469-3818

November 26, 1994

Margit Arambura, Executive Director
Delta Protection Commission
14129 River Road
P.O. Box 530
Walnut Grove, CA 95690

Dear Director Arambura:

My name is Dan Mercer. I am a Consulting Environmental Chemist and I live on Union Island in the San Joaquin Delta west of Stockton. Last week I attended a meeting of the San Joaquin County Planning Commission in which there was a lengthy debate about passing a county restriction to eliminate the agricultural recycling of municipal wastewater biosolids in the primary zone of the San Joaquin Delta. The fundamental argument put forward by the people advocating this position is that the practice of recycling biosolids in agriculture is somehow unsafe and threatens the soil, the groundwater and the surface water in the Delta. **Nothing could be further from the truth.**

The people who opposed the environmentally sound practice of biosolids recycling at last week's meeting are an odd coalition of local landfill operators who have a financial interest in thwarting all recycling programs, farmers who are quite legitimately concerned about the encroachment of urban development into farm country and oppose the building of wastewater treatment plants in the Delta, and those of the "Chicken Little" mentality who always believe that the sky is falling.

After listening to these people make all kinds of dire predictions about an impending environmental disaster if biosolids are recycled in local agriculture, the Planning Commission had the opportunity to hear from a small number of individuals who pointed out the scientifically proven facts about the safety and benefits of biosolids recycling. These people urged the Planning Commission to make rulings based upon facts and common sense, not emotional hysteria or the hidden agendas of special interest groups. In the final analysis the Planning Commission saw no reason to take any action on the proposed ban in spite of the obvious and intense lobbying they had received from various special interest groups. In closing, however, the Planning Commission stated that the Delta Protection Commission was considering similar regulations that would implement a ban on biosolids recycling throughout the entire San Joaquin Delta.

As a practicing environmental scientist with over fifteen years of experience in protecting and promoting the environment, my advice to the Delta Protection

Commission is the same as I gave to the Planning Commission-- if you must make regulations make them based upon facts, not upon emotional hype or the hidden agendas of special interest groups.

The facts with regards to biosolids recycling are as follows:

1. Biosolids recycling in agriculture has been scientifically proven by over ten years and ten million dollars worth of research by USEPA to be environmentally safe. One typical example was a study conducted at Clemson University that compared the use of biosolids, animal manure and commercial fertilizer in agriculture. This study showed that **the least likely of the three materials to result in surface runoff was the biosolids.**
2. Comprehensive federal regulations known as the federal Part 503 regulations that are national requirements enforced in all fifty states set quality standards and strictly regulate the recycling of biosolids to protect against any reasonably anticipated adverse environmental impacts.
3. After a thirteen month comprehensive study, the U.S. Army Corps. of Engineers Waterways Experiment Station Environmental Laboratory in cooperation with USEPA, the California Regional Water Quality Control Board and the Bay Conservation and Development Commission, has obtained approval to **use biosolids to help restore an endangered species wetland habitat in San Francisco Bay.**
4. Biosolids recycling in agriculture is supported by both the Sierra Club and the California Farm Bureau.

If the Delta Protection Commission would like to know more about the science of biosolids recycling then I recommend that you contact Dr. Alan J. Rubin currently with the Water Environment Federation in Alexandria, Virginia. Dr. Rubin headed the ten year USEPA rulemaking process that culminated in adoption of the Part 503 regulations in 1992. Dr. Rubin frequently visits California to explain the federal Part 503 regulations and to answer questions about the scientific research behind these comprehensive federal regulations. Dr. Rubin is also quite familiar with the agenda and tactics of the northern California landfill operators who are trying to disrupt biosolids recycling programs.

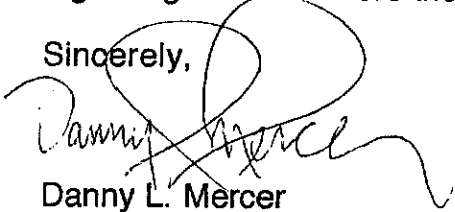
Alan J. Rubin, Ph. D.
Senior Scientist
Water Environment Federation
601 Wythe Street
Alexandria, Virginia 22314-1994
(703) 684-2438

If there is a need to develop more regulations to protect the San Joaquin Delta ecosystem, then the efforts of the Delta Protection Commission should be directed toward enacting restrictions on agricultural practices which have known and well documented environmental impacts. For example, the Delta Protection Commission should consider regulations that ban aerial spraying of pesticides, place restrictions on the use of chemical fertilizers and herbicides and regulate irrigation practices to conserve water and reduce pesticide and herbicide laden runoff into the San Joaquin River and San Francisco Bay.

However, in the recent November elections I believe that the voters clearly called for a reduction in unnecessary regulations and a lessening of governmental intrusion into our everyday lives. After USEPA spent ten years and over ten million dollars of Taxpayer money to develop comprehensive, scientifically based national biosolids recycling regulations that protect human health and the environment, then what possible justification can there be for any state, regional or county agency to implement duplicative regulations that increase bureaucracy, drive up costs, discourage recycling and further restrict individual freedom?

Please put my name on your mailing list for any future meetings or correspondence regarding matters before the Delta Protection Commission.

Sincerely,



Danny L. Mercer

cc: Delta Protection Commission
Delta-Sierra Group of
the Sierra Club
Dr. Alan J. Rubin
San Joaquin Co. Board of Supervisors
Senator Patrick Johnston



DEPARTMENT OF THE ARMY
WATERWAYS EXPERIMENT STATION, CORPS OF ENGINEERS
3009 HALLS FERRY ROAD
VICKSBURG, MISSISSIPPI 39180-6100

REPLY TO
ATTENTION OF

CEWES-ES-F

31 October 1994

Mayor Joan Darrah
Stockton City Hall
325 N. El Dorado Street
Stockton, CA 95202

Dear Mayor Darrah:

My name is Dick Lee. I am a Senior Soil Scientist with the U.S. Army Corps of Engineers Waterways Experiment Station, Environmental Laboratory, in Vicksburg, Mississippi. I am writing to you and the City Council with a special request.

Over the past year, the Waterways Experiment Station began an extensive research project to develop manufactured soil for use in restoring damaged wetlands at the Naval Weapons Station, Concord, in Contra Costa County, California. I am the project leader for this research and development. Our research focused on using dredged material amended with biosolids to create an organic and nutrient rich artificial wetlands soil. Several dredged materials and biosolids were evaluated in our initial screening process.

Biosolids from the City of Stockton Port Lagoon were selected as the best of those biosolids evaluated and were chosen for more comprehensive testing. Extensive physical, chemical and biological testing was conducted on the City of Stockton Port Lagoon biosolids and mixtures of dredged materials and Port Lagoon biosolids. Artificial wetlands were created in the laboratory/greenhouse complex at Waterways Experiment Station. We observed superior plant growth in the dredged material plus Port Lagoon biosolids mixture.

Based on this demonstrated success in the laboratory, I recently presented our findings to the U.S. Navy, the Corps of Engineers, the California Regional Water Quality Control Board, the U.S. EPA, and the State of California Bay Conservation and Development Commission. We were granted initial approval to proceed to establish several field test plots at the Naval Weapons Station, Concord at the wetlands restoration project currently in progress. The project is moving faster than we had anticipated and the dredged material will be in place within the next seven (7) days. After all the dredged material is in place, we will only have a short period of time to apply and incorporate biosolids before planting of the restored wetlands is started.

On behalf of the U.S. Army Corps of Engineers Waterways Experiment Station, I am asking the Stockton City Council to donate two (2) truck loads (50 tons) of the Stockton Port Lagoon biosolids to this important environmental restoration project. Transportation of the material will be provided by the U.S. Army Corps of Engineers Cooperative Research Team.

Sincerely,

Charles R. Lee

Charles R. Lee, PhD, CPSS
Soil Scientist
Tel: (601) 634-3585
Fax: (601) 634-4298

CF: Stockton City Council
Roy Santana, Navy WESDIV
Susan Gladstone, CRWQCB
Barbara Smith, USEPA
Eric Larson, BCDC
Rod Chisholm, CESP-N-ER



**US Army Corps
of Engineers**
Waterways Experiment
Station

Miscellaneous Paper EL-94-
August 1994

Evaluation of Wetland Restoration Using Soil Manufactured from Dredged Material and Biosolids

*by C. R. Lee, T. G. Sturgis, H. E. Tatum
Environmental Laboratory*

DRAFT

WES

Approved For Public Release; Distribution Is Unlimited

Prepared for
DEPARTMENT OF THE NAVY
Naval Facilities Engineering
Command, Western Division
San Bruno, California 94066

POTENTIAL FOR DREDGED MATERIAL AND BIOSOLIDS AS A BACKFILL
FOR NAVAL WEAPONS STATION, CONCORD WETLAND RESTORATION

INTRODUCTION

Background

Naval Weapons Station, Concord successfully settled litigation related to the discharge of contaminants into wetland areas by Responsible Parties from adjacent properties. The restoration plan called for the excavation of contaminated wetland soil and the re-creation of a wetland suitable for endangered species. This plan required a backfill material to achieve the elevations necessary for wetland creation. Approximately 10,000 cubic yard of backfill material was required. Sources of backfill considered included upland topsoil, wetland soil, and dredged material. It was initially thought that the backfill material should be similar to the existing wetland soil present at the site. The wetland soil at the site contained 14 % organic matter and consequently, it was thought that the backfill should contain 14 % organic matter. Such a high content of organic matter was thought to allow a vigorous vegetative cover to establish within a short time frame. Very quickly it was realized that the only backfill material that would possibly contain this level of organic matter would be wetland soil. However, the technical problems with excavating another "cleaner" wetland soil and transporting it to the site and being able to achieve the proper elevation with soil containing clumps of roots and rhizomes of wetland species that were undesirable for the re-created wetland were unsurmountable. In addition, the permit requirements for excavating one wetland to fill and create another wetland were thought to be extremely difficult, if not impossible.

Therefore, the use of dredged material as the primary source of backfill was evaluated. Dredged material normally contains approximately 1 to 7 % organic matter. Consequently, if 14 % organic matter was to be required in the backfill material, then an additional source of organic matter to fortify and increase the organic matter content of dredged material was required. The Corps of Engineers has created wetlands with organic matter contents of a wide range of values from 1 to 19 %, however, most wetland creation projects do not exceed 10% organic matter. Therefore, evaluation of dredged material with organic matter contents of 5 to 10 % was undertaken. Dredging projects that were scheduled for the near future and the time frame for the need for backfill at NWS were considered. Two projects close to NWS that appeared promising was McAvoy Harbor and Martinez Marina. Sediments were sampled and preliminary testing was conducted on both sites (Table 1). McAvoy sediments appeared to contain less metals than Martinez, with the exception of copper and zinc, compared well below metal contents of existing wetlands around the San Francisco Bay area, and was selected for further testing. This report describes results of additional laboratory characterization and testing of McAvoy Harbor sediment alone and mixed with sand material dredged from near the NWS loading piers and placed adjacent to Port Chicago Highway near the wetland creation site as well as biosolids collected from an aged sewage sludge lagoon from the city of Stockton, CA. The objective was to manufacture a backfill material that would be ideal for wetland creation with a characteristic of 20% sand, 80% silt and clay with 10% organic matter. A conceptual view of the proposed manufacture of wetland soil from dredged material and biosolids is presented in Figure 1.

In addition, the California Regional Water Quality Control Board has proposed preliminary interim sediment screening criteria for dredged material used in wetland creation (Table 1). Considerable comments were received by CRWQCB as to the lack of scientific basis for the proposed criteria. These preliminary interim sediment screening criteria can be used as a reason to believe additional evaluation and testing may be required for dredged material that exceed one or more of the proposed criteria (as indicated in bold print). In accordance, additional testing and evaluation of dredged material and biosolids mixtures were conducted and are the subject of this report.



DELTA-SIERRA GROUP
MOTHER LODE CHAPTER
SIERRA CLUB



May 23, 1994

Mayor Joan Darrah
Stockton City Hall
325 N. El Dorado St.
Stockton, Ca. 95202

Dear Mayor Darrah:

The Delta-Sierra Group of the Sierra Club recently made the decision to support use of treated biosolid sludge from the Stockton Treatment Plant as an agricultural soil amendment. We believe that this is the most economically sound and environmentally acceptable use for this material. This material would both improve the soils upon which it is used and avoid the less desirable alternative of removing it to a landfill where it would use precious space.

It appears that it is time for Stockton to award the contract to the low bidder if that party does agree to use the most desirable means of dealing with the Stockton Port Lagoon Biosolids.

Sincerely,

Steve Stocking, Conservation Chair
Delta-Sierra Group Sierra Club
P.O. Box 9258
Stockton, Ca. 95208

cc Mr. Dan Mercer
San Joaquin Farm Bureau Federation
Mother Lode Chapter, Sierra Club



SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S PROBLEMS / PLANNING FOR TOMORROW

May 3, 1994

Mayor Joan Darrah
3830 Portsmouth Point
Stockton, CA 95219

Dear Mayor Darrah,

The San Joaquin Farm Bureau Federation is requesting the Stockton City Council to move forward in its process of awarding a contract for the removal of bio-solid waste at the Stockton Port lagoon. The San Joaquin Farm Bureau is also notifying you and the other city council members of our support for the proposal from Wright Environmental Services.

The San Joaquin Farm Bureau Federation believes that the opportunity for the City of Stockton to have the bio-solid waste used to the benefit of the area's number one industry, and at the same time avoid using costly land fill space is a winning situation for everyone. All the science agrees that the proposal from Wright Environmental Services is sound, the product is safe, and the cost to the city will be less. It's time to move forward despite the political pressures from a few, and move to benefit the community as a whole.

The San Joaquin Farm Bureau Federation asks for your support of our requests in this matter.

Sincerely,

PATRICK CONNOLLY
President

PC:rm

cc:

City Council Members

✓ Wright Environmental Services



**CONTRA COSTA
WATER DISTRICT**

1331 Concord Avenue
P.O. Box H20
Concord, CA 94524
(510) 674-8000 FAX (510) 674-8122

January 26, 1995

Directors

Joseph L. Campbell
President

Elizabeth R. Anello
Vice President

Bette Boatman
Donald P. Freitas
James Pretti

Walter J. Bishop
General Manager

Ms. Margit Aramburu, Executive Director
Delta Protection Commission
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P.O. Box 530
Walnut Grove, CA 95690

**Subject: Comment on Revised Draft Land Use and Resource Management Plan
for the Primary Zone of the Delta**

Dear Ms. Aramburu:

Thank you for the opportunity to comment on the Revised Draft Delta Land Use and Resource Management Plan. The Contra Costa Water District (CCWD) has several recommendations for additional wording to protect the quality of water used for municipal supplies within the San Joaquin Delta from potential impacts of existing and increased recreational development.

The following additional wording is recommended to the Recreation and Access Element Policies P-3 (page 39) and P-8 (page 40). The policy wording is stated (including underlined wording) with the recommended additional wording shown in **bold type**:

P-3. Local governments shall develop siting criteria which will ensure minimal adverse impacts on: agricultural land uses, levees, identified sensitive wetland and habitat areas **and no adverse impacts** around public drinking water supply intakes. **To provide for adequate dilution of any potential discharges, new marinas or marina expansions should not be permitted within 1.5 kilometers (0.9 miles) of any drinking water intake located in an open waterway, nor within any waterway or dead-end slough that terminates in a drinking water intake.** New projects shall be located on sites which are easily accessible from existing public roadways.

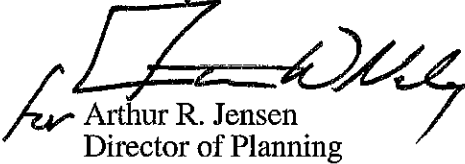
P-8. New, renovated, or expanded marinas shall include adequate restrooms, pump out facilities, trash containers, oily waste disposal facilities, and other facilities necessary to meet needs of marina tenants. These facilities shall be provided free or a low cost to offset costs of maintenance. **Any activities that result in toxic discharges (including paint, paint chips, chemicals, heavy metals, tributyltin, oil, grease and fuel) or discharges of untreated sewage shall be prohibited; all marine recreation facilities shall maintain notices on these prohibitions.**

Ms. Margit Aramburu, Executive Director
Delta Protection Commission
January 26, 1995
Page 2

Your consideration and recommendation of the additional wording changes to the Revised Draft Land Use and Resource Management Plan for the Primary Zone of Delta would be appreciated.

If you have any questions, please call Dennis Pisila, Senior Planner (510/674-8119).

Sincerely,


for Arthur R. Jensen
Director of Planning

DP/rlr

cc: Frank Michny, Supervisory Environmental Specialist, U.S. Bureau of Reclamation,
Regional Office, Sacramento
Buddy Smith, T.O. 440 Supervisor, U.S. Bureau of Reclamation, Tracy Field Office



IRONHOUSE SANITARY DISTRICT

FAX
(510) 625-0169

450 Walnut Meadows Drive • P.O. Box 1105 • Oakley, CA 94561

Telephone
(510) 625-2279

January 23, 1995

Delta Protection Commission
14219 River Road
P.O. Box 530
Walnut Grove, CA 95690

Re: Ironhouse Sanitary District - Jersey Island

Dear Commissioners:

Ironhouse Sanitary District very much appreciates the Commission's willingness to exempt the Ironhouse Jersey Island project from proposed Utilities Policy P-3 of the revised Plan, which policy generally prohibits release of wastewater or biosolids on lands in the Primary Zone. Ironhouse would like to request a modification in the exemption to better adapt the exemption to Ironhouse's plans and better meet the needs of the Delta.

The exemption is limited to Ironhouse's present EIR project, which uses the approximately 80% of Jersey Island which Ironhouse purchased in April of 1993. However, Ironhouse's plans include use of the remaining 20% of Jersey Island, an additional approximately 700 acres. Ironhouse accordingly proposes that the exemption be revised to include Ironhouse use of Jersey Island generally, in order to provide Ironhouse flexibility to implement its plans for the remaining 20% of the Island.

The reasons for the change are as follows.

- To enable use of the remaining 20% of the lands to buffer the Ironhouse operation from the homes and other uses in the more developed areas near the Island.

- To enable Ironhouse to meet the mitigation requirements of the various regulatory agencies by providing on-site, in-kind mitigation using the lands most desirable for this purpose.

- To enable Ironhouse to amortize the cost of its capital improvements across a broader acreage.
- To enable Ironhouse to exercise rights of first refusal to portions of the remaining lands which it received as part of its 1993 purchase.
- To encourage Ironhouse to upgrade the levees on this critical western Delta island, thereby helping to safeguard the Delta against further salinity intrusion.

For example, Ironhouse presently owns the southeast corner of the Island. Some of this area is not well suited to agricultural use, but has the mature trees and wetter soils which make it desirable wildlife habitat and potential wetland. Revision of the exemption to include the remaining 20% of the Island would enable Ironhouse to convert this southeast area to wetlands and habitat, in effect replacing it with a portion of the remaining 20% of the Island.

The remaining 20% of the Island is largely fallow pasture land with a soil quality no better, and in some respects worse, than the rest of the Island. There are no structures in this area, and the land has generally been neglected by its absentee owners. Its taxes are in default, and it does not contribute to levee maintenance. Cattle run loose on the road to the Webb/Bradford ferry. Portions of the area have been used as a dump. Ironhouse would require all dumping to end, would actively ranch and farm the area, and would provide on-site, day-to-day management. Ironhouse would also upgrade the levees on the Island, helping to safeguard the Delta against further salinity intrusion.

Ironhouse has reviewed the proposed change in the exemption with Mr. Dante Nomellini, Manager and Co-Counsel, Central Delta Water Agency, and understands that the Agency supports this change in the exemption.

Conclusion

Ironhouse Sanitary District respectfully requests that the exemption from policy P-3 be revised to enable Ironhouse flexibility to use the remaining 20% of Jersey Island.

The present exemption is as follows:

Note: The Ironhouse Sanitary District project and Rio Vista project, as described in the respective

adopted Final Environmental Impact Reports, are
exempt from this policy.

Ironhouse proposes that this exemption be modified to read as
follows:

Note: The Ironhouse Sanitary District use of Jersey
Island for disposal of treated wastewater and
biosolids and the Rio Vista Project as described in
the adopted Final Environmental Impact Report for
such project are exempt from this policy.

Thank you for your attention to this matter. Please do
not hesitate to telephone me at 415-392-3600 if I can be of
any assistance.

Respectfully submitted,

IRONHOUSE SANITARY DISTRICT



Robert L. Henn, Counsel

RLH:jmj

CC: Members, Delta Protection Commission
Members, Board of Directors, Ironhouse
Sanitary District
David N. Bauer, District Manager
Marvin Lindorf, District Consulting Engineer
George Tchobanaglou, Professor of Environmental
Engineering, University of California, Davis.

**JACOBS MALCOLM & BURTT**

FRESH FRUITS & VEGETABLES

P.O. BOX 2187, SAN FRANCISCO, CA 94126 • (415) 285-0400

FAX (415) 285-2056

TO BERT BACCHETTI FARMS:

We are aware of various proposals being discussed in the San Joaquin Valley regarding the suggested use of sewage effluents and sludges for crop irrigation and fertilization.

Please be advised that this firm will not purchase, receive, or use any vegetable products intended for human consumption that have been grown on land that has been, will be, or is currently being irrigated or treated with sewage plant effluents.

Further, should we unknowingly purchase any product so produced with sewage effluents and later determine that the product had been produced in that environment, our contract with the grower shall become null and void, and the grower shall be held responsible for any and all damages and costs, including legal fees, so caused by use of the tainted product.

We trust that you will understand and respect the position we have taken regarding this matter.

Please call if you have questions or need clarification. Your cooperation is appreciated.


LEO ROLANDELLI

TITLE: President

BRANCH OFFICES:
WESTLEY
LOS BANOS
PETALUMA
WOODLAND
COURTLAND

MEMBERS:
AGRICULTURAL
COUNCIL OF
CALIFORNIA
CALIF. GRAIN & FEED
ASSOCIATION
THE NATIONAL HAY
ASSOCIATION

San Joaquin Valley Growers Association

FAX NO.
(209) 835-0719

MAIN OFFICE: P.O. BOX 1127
TRACY, CALIFORNIA 95378-1127
(209) 835-1662

STOCKTON
(209) 948-2484

January 23, 1995

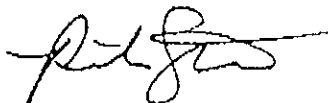
County of San Joaquin
BOARD OF SUPERVISORS
222 East Weber Avenue, #701
Stockton, CA 95202

Dear Gentlemen:

At a regular meeting of the Board of Directors a resolution was passed stating our opposition to the use of sewage effluent to irrigate or treat alfalfa fields.

After a lengthy discussion the Board issued concerns regarding the potential contamination of milk and other food products from feeding dairy animals. The bulk of the Associations sales (over 80%) are marketed to the dairy industry.

Sincerely,



Rick Staas
Assistant Manager

aw

To: Delta Protection Commission Jan, 26, 1995
14219 River Road
Walnut Grove, CA 95690

From: Rogene Reynolds
4444 W. Undine Road
Stockton, CA 9206
5

RE: Delta Protection Commission Act Implementation
Biosolids and Recycled Water

Members of the Commission:

I am a resident and 4th generation land owner on Roberts Island, located in the Primary Zone as designated by this Commission.

I have been involved in the issue of wastewater treatment and disposal on Delta lands for several months. I was active in the opposition to the projects proposed by the City of Lathrop and the New Town of Mountain House.

I have testified before this commission more than once, urging you to create a strong policy to ban from the Primary Zone, all treatment facilities and the disposal of sewage sludge and sewage effluent, which serve uses from outside this zone. Your charge as a commission is to protect and enhance the Delta for agriculture, wildlife and recreation. Whatever you do must also protect the water supply for much of the State of California.

My presentation is to bring to your attention some serious inconsistencies and errors of fact in the position paper you have received from the entity called "Tri-Tac" which favors no ban on such use of Delta farmland for sewage disposal.

First of all, Tri-Tac may be a "non-profit organization" , but it is funded by members of the waste treatment industry and is a public relations organization whose purpose is to benefit the waste treatment industry, and cities. It's purpose is no different than that of any other lobbying group - to influence legislation for a narrow special interest.

Fact: Tri-Tac is the arm of municipalities who want to keep the regulation and cost of waste disposal to a minimum - regardless of harm done to anyone else.

I urge you to look carefully into every single allegation in this position paper, and ask yourselves at every point made - "WHERE IS THE SCIENCE?" to support these claims of safety. "WHERE IS THE PROOF?" that existing regulations

are sufficient and being enforced now - let alone in the future.

You will find that this is a very good "public relations" paper, but unfortunately, a very poor resource to you of unbiased facts. Tri-Tac's summary (page 3) makes five broad and unsubstantiated statements. I would like to raise some questions about their summary.

The broad statement that "Biosolids and recycled water use are environmentally sound and beneficial practices which are already heavily regulated at the federal, state and local level." is not true and cannot be substantiated.

Fact: "Biosolids" and "sludge" are not the same product. "Recycled water" comes in many forms. The "use" of these products in their many forms is the "disposal" of waste. All such disposal has not been proven "beneficial". And it is not "heavily regulated".

For example: This paper does not cite pending litigation in the State of Colorado (Tucker vs Anheuser Busch). In this case, it is alleged that cattle fed alfalfa hay grown with brewery effluent have been sickened. This case has not been settled - but Anheuser did not feed this hay to its own famous Clydesdales. The case is still pending.

For example: This paper does not cite the the Torres/Martinez Indian Reservation (Arizona) problem where 500,000 tons of sludge from Colorado and Ohio, containing toxic levels of heavy metals, arsenic chromium and nitrates, have been dumped onto the land. No enforcement agency will accept responsibility or intervene! The Bureau of Indian affairs says, call the State Water Resources Control Board. SWRCB says call the Environmental Protection Agency. EPA says call the SWRCB. The County Board of Supervisors called the District Attorney. Citizens blockaded the road! The case is still pending.

For example: This paper does not cite the lawsuit by Miller Brewing Company against the Upper San Gabriel Valley Municipal Water District. The brewery is protesting the spreading of disinfected water on land, which water will percolate through the ground. The purpose is to recharge the the District's aquifer. The result, feared by Miller, is that the ground water basin will become polluted. The case is still pending.

For example: The Environmental Protection Agency has set standards, but has only one person, named Loren Forndahl, to oversee sludge use in ALL of California, Arizona, Nevada, Hawaii, Guam and the Pacific. This is a "self-policing" business! Tri-Tac wants you, and the public, to agree that this is "careful" regulation.

Fact: State Water Resources Control Board has NOT sought delegation from the Federal Government to oversee sludge. There is virtually no STATE oversight! Localities must create their own regulations and ordinances. Fact: Stanislaus County has just completed its Sludge Control Ordinance after a YEAR of study and debate (including strong opposition to the ordinance from the sludge industry).

Fact: Given the current trend in Federal Government to reduce size and scope of Federal oversight, we can look less and less to agencies like the EPA to issue guidelines and enforce them. The trend will be to let the States assume the responsibility.

Fact: There are instances of industry abuse right here in the Delta already. The City of Stockton recently had a huge "accidental" release of untreated effluent which caused a huge fish kill in the San Joaquin River. The city was fined, but the fish were still dead. Entities like Tri-Tac ignore the risks of mismanagement which might permanently damage the Delta land or waters.

The point I am trying to make is that when the broad statement is made in Tri-Tac's paper that this industry is "heavily regulated", the statement is not true. All we really have is a "Paper chase" with no one accepting final accountability.

Fact: The "science" proving Tri-Tac's claim of safety is inexact and subject to question, even among scientists. What recent scientific consensus is cited in this paper?

The proof of this is the question of LIABILITY for damage to the soil. As a Real Estate salesperson, I am required to disclose the use of human waste to amend the soil of any land I sell. Fact: Farmers' liability insurance policies do not include protection from claims resulting from toxic disposal.

If this industry is so highly regulated, and if the sludge and effluent is environmentally sound, WHY ARE DISCLOSURE AND LIABILITY such huge problems for landowners?

Tri-Tac and the industry will say that these problems arise because of public perception and misunderstood science. My belief is that the science is not "misunderstood", but that it is unreliable and inexact, and that is why the public cannot be convinced that sludge and effluent in the food chain is safe. THE PUBLIC JURY IS STILL OUT.

For example, the paper notes that the City of Lathrop and Mountain House projects were removed from consideration. The paper does not state why - but the reason is clear. The proponents did not have enough proof that such Delta projects

would clear Environmental Impact challenges.

As a reason for you to eliminate your ban on sewage treatment and waste in the Delta, Tri-Tac states that "agencies developing recycling programs would likely be forced to explain why a ban was implemented in the Delta, but is not necessary elsewhere". The waste treatment industry should have no problem explaining your ban. The reason for the ban is simple: The Delta is not the appropriate place for such disposal.

Tri-Tac shows a lack of understanding of the Delta, and its co-mingled drain systems, its high water tables, its high organic content of the soil. Not to mention the fact that 2/3 of the state of California gets its drinking water from this Delta. The Delta is unique! The creation of this commission points to the uniqueness! The industry would only have to make that point - that disposal in this Delta is inappropriate.

There are other, more appropriate ways and locations to treat and dispose of this waste. The question is one of costs - and Tri-Tac backers don't want to pay to keep their waste in the area or origin, because it will cost more.

One last point I would like to bring to your attention involves the economics of agriculture.

In "Some Final Thoughts" (page 11) the Tri-Tac paper states that a prime objective of the Delta Protection Act is to preserve agricultural use and prevent land use changes which would displace agriculture. You must remember that agriculture is a business. The marketability of our crops determines our success. The unmarketability of our crops will be our financial ruin.

Fact: A consumer or processor, if given a choice of what food to use, will pay a lower price for a product known to have been grown with water or soil amended with human waste. To put this waste onto Delta lands will devalue our crops -thus devalue our lands. Devaluing our lands equates to land use changes displacing profitable agriculture. (And agriculture was a one billion dollar industry in San Joaquin County this last year.)

So what are landowners left with? This Delta Protection Commission is banning future housing developments in the Primary Zone, so a farmer will not have the option to grow houses instead of food which is not competitive in the open market.

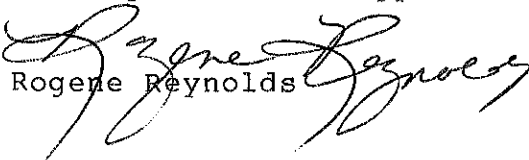
In closing I'd like to point out the greatest flaw in this public relations position paper. IT DOES NOT SPECIFICALLY ADDRESS THE PROBLEMS WHICH WILL RESULT FROM USING THE DELTA

AS A DISPOSAL SITE. This paper does not address the economic impact to farms and the marketability of our crops. It does not address the true difficulties waste disposal into an area which is a common water pool for much of this State. It does not PROVE that this disposal is the highest and best use of Delta land. It does not prove that disposal into this Delta can be claimed completely safe.

(Note: Because of the realities of life, and the need to make this Delta Protection Plan work for all of us who are affected, I am forced to concede that your draft plan may have to allow the Rio Vista Project and the Ironhouse Sanitary District Jersey Island Project to proceed as planned. The City of Stockton must continue to use its existing facility.)

We have a unique area - designated unique by the very creation of this Commission. You are not charged with determining the suitability of sewage and effluent disposal anywhere else in the United States. Your charge is the "protection" of THIS Delta - that is the very name of this Commission.

If you have any questions, I'll be happy to answer them. Thank you for the opportunity to come before you tonight.


Rogene Reynolds

(209) 464-8054 (eve)
478-8121 (day)



Fairfield-Suisun Sewer District

January 26, 1995

Richard F. Luthy, Jr.
General Manager/District Engineer

Commissioners
Delta Protection Commission
c/o Margit Aramburu, Executive Director
14219 River Road
P.O. Box 530
Walnut Grove, CA 95690

Subject: Delta Protection Act Implementation: Biosolids and Recycled Water

Dear Commissioners:

The Fairfield-Suisun Sewer District provides wastewater treatment services for more than 100,000 residents of central Solano County. Our facilities have been successfully providing highly treated recycled water for agricultural irrigation and enhancement of the Suisun Marsh since 1976.

We have recently been advised that the Delta Protection Commission is preparing regulations which would prohibit or severely restrict the agricultural utilization of recycled wastewater and/or biosolids in the Primary Zone. We also understand that there is no staff technical analysis to support inclusion of such restrictions in the plan.

Our purpose in writing is to encourage the commission to delete provisions of the proposed plan which restrict agricultural use of recycled water and biosolids. The following points should be considered:

- Agricultural use of biosolids and recycled water have been proven through many years of practice to be beneficial to both agriculture and the environment.
- These commodities are already heavily regulated at the federal, state and local levels. An additional level of restriction is simply unnecessary.
- This proposed ban has not been subjected to technical analysis and does not have a sound basis for adoption.

• Address:
1010 Chadbourne Rd.
Fairfield, CA 94585
• Telephone:
(707) 429-8930
Fax (707) 429-1280

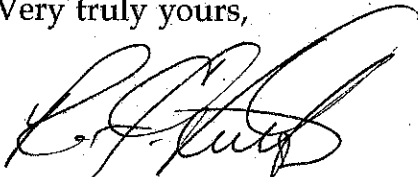


January 25, 1995
Delta Protection Commission
Page Two

Implementation of a ban on importation of recycled water and/or biosolids could have significant long-term impacts on California's ability to meet its recycling goals, and would create an additional layer of unnecessary regulation for local wastewater treatment facilities.

Thank you for considering our request.

Very truly yours,



Richard F. Luthy, Jr.
General Manager/District Engineer

/vjl

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

3443 Routier Road, Suite A
Sacramento, CA 95827-3098
PHONE: (916) 255-3000
FAX: (916) 255-3015

FEB 01 1995



30 January 1995

Ms. Margit Aramburu, Executive Director
Delta Protection Commission
P. O. Box 530
Walnut Grove, CA 95690

DRAFT DELTA LAND USE PLAN

Thank you for the opportunity to review the draft *Land Use and Resource Management Plan for the Primary Zone of the Delta*.

The 5 January correction to the language in the Draft proposes the following policy:

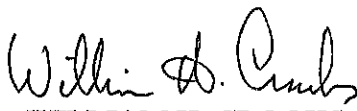
New sewage treatment facilities and holding ponds serving uses outside the Delta shall be located outside the Primary Zone. Local governments shall not acquire or condemn agricultural lands in the Primary Zone for the principal purpose of receiving treated wastewater and or biosolids. To protect long-term viability of agricultural land in the Primary Zone, neither treated wastewater nor biosolids shall be released onto or into such lands.

Note: The Ironhouse Sanitary District project and Rio Vista project, as described in the respective adopted Final Environmental Impact Reports, are exempt from this policy.

We disagree with the proposed policy.

Wastewater and biosolids are generated both outside and inside the Primary Zone. For the best interests of the environment and community, the most environmentally and economically sound methods for disposal of these wastes should be used. These materials can often be beneficially used to augment water supplies or enhance agricultural operations, thus avoiding dumping the of the wastewater into rivers or filling landfills with biosolids. Both the environmental reviews conducted under the California Environmental Quality Act, and the waste discharge requirements adopted by the Regional Board review the standards and conditions under which these wastes can be safely disposed of on land. The proposed policy will unnecessarily restrict alternatives, possibly eliminating the most environmentally and economically feasible projects.

If you have any questions, please contact me at (916) 255-3039 or Kenneth Landau at (916) 255-3026.


WILLIAM H. CROOKS
Executive Officer

cc: Board Members
Mr. Walter Pettit, Executive Director, State Water Resources Control Board, Sacramento
Mr. Steve Ritchie, Executive Officer, San Francisco Bay Regional Board, Oakland

DELTA PROTECTION COMMISSION

14219 RIVER ROAD

P.O. BOX 530

WALNUT GROVE, CA 95690

PHONE: (916) 776-2290

FAX: (916) 776-2293



January 5, 1994

To: Delta Protection Commission and Interested Parties

From: Margit Aramburu, Executive Director

Subject: Corrected Language, Utilities and Infrastructure, P-3

The following is corrected language for proposed Utilities and Infrastructure P-3, page 13 of the revised Draft Plan.

P-3. ~~Wherever possible, New sewage treatment facilities and holding ponds serving uses outside the Delta shall~~ should be located outside the Primary Zone. Local governments shall not acquire or condemn agricultural lands in the Primary Zone for the principal purpose of receiving treated wastewater and/or biosolids. To protect long-term viability of agricultural lands in the Primary Zone, neither treated wastewater nor biosolids shall be released onto or into such lands.

[Note: The Ironhouse Sanitary District project and Rio Vista project, as described in the respective adopted Final Environmental Impact Reports are exempt from this policy.]

~~and should dispose of treated wastewater on land. Where appropriate and feasible, treated wastewater should be disposed of on land to support agriculture, wildlife habitat, and/or recreation. The level of treatment of wastewater should allow continuation of the recent or present agricultural practices and should be monitored to ensure long term viability of commercial agriculture in the Delta.~~

the McCARTY Company
Diversified Agricultural Services

January 13, 1995

Ms. Margit Aramburu
Delta Protection Commission
PO Box 530
Walnut Grove, CA 95690

Dear Margit:

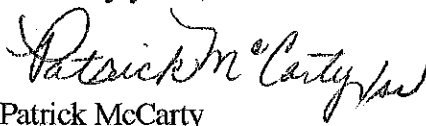
Following please find the proposed recommended language change to P-3, page 13 of the Revised Draft Land Use and Resource Management Plan for the Primary Zone of the Delta:

P-3 New sewage treatment facilities (including storage ponds) and areas for disposal of sewage effluent and sewage sludge serving uses outside the Delta Primary Zone shall not be located within the Delta Primary Zone.

(Note: The Rio Vista Project as described in the adopted Final Environmental Impact Report for such project and the Ironhouse Sanitary District use of Jersey Island for disposal of treated wastewater and biosolids are exempt from this policy.)

Should you have any questions in this matter, please don't hesitate to contact me.

Sincerely yours,


Patrick McCarty

/skr

January 19, 1995

To: Delta Protection Commission
From: Margit Aramburu, Executive Director
Subject: Summary of Comments Submitted by Tim Wilson

- p. 21, P-4: Line 3, Retain the word "adjacent".
- p. 22, R-3: Add to the end of the recommendation "Public agencies shall provide funds to replace lost tax base when land is removed from private ownership."
- p. 28, P-10: Leave in place the paragraph now designated for deletion.
- p. 30, F-2: Define term "State's developed water".
- p. 30, F-5: Indicate amount or percentage of water available for "other" uses.
- p. 31, F-18: Delete "may".
- p. 41, R-5: Supports study of banning night fishing in the Delta.
- p. 44, Goal: Stress need for coordinated permit reviews.
- p. 49, R-10: Retain recommendation about study of turbidity.

James M. Kelly
President
Peter M. MacLaggan
1st Vice President
Keith Israel
2nd Vice President
Judith Dickson Parker
Secretary-Treasurer
David Nagler
Executive Director



January 18, 1995

Ms. Margit Aramburu, Executive Director
Delta Protection Commission
P.O. Box 530
Walnut Creek, CA 95690

Dear Ms. Aramburu:

At its adjourned December 8 meeting, the Board of Directors of WaterReuse Association of California adopted the enclosed resolution regarding a proposed prohibition of recycled water imports into the Primary Zone of the Delta. The resolution is hereby forwarded to you for formal introduction to the Commission at its next regularly scheduled meeting.

The WaterReuse Association of California represents water agencies and wastewater management entities involved in and planning for water reuse projects throughout the state of California; our member agencies' efforts are a critical part of a state-wide effort to meet the Legislature's adopted goal of recycling 1,000,000 acre-feet per year by the year 2010. The WaterReuse Association is equally committed to the protection of the public health and of the environment wherever reclaimed water is utilized. WaterReuse works within the existing protective frameworks that are created for safe and prudent use of reclaimed water. As professionals in this field, we are dismayed at the proposed ban because it ignores the tremendous body of experience in this state pointing to the safety of the practice of water recycling under a wide variety of conditions -- while conforming to the provisions of Title 17 and Title 22 of the California Code of Administration. A ban would hinder the state-wide goal of recycling 1,000,000 acre-feet per year by 2010. Therefore, we oppose the proposed ban.


The existing provisions of Title 17 and Title 22 provide assurance that water reuse will be safe and not degrade water quality. Further restrictions of water reuse appear to be in conflict with Section 29715 of the Delta Protection Act, which states that "To the extent of any conflict or inconsistency between this division and any provision of the Water Code, the provisions of the Water Code shall prevail." Section 13550 of the Water Code states that "The Legislature hereby finds and declares that the use of potable domestic water for nonpotable uses, including but not limited to cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of such water within the meaning of Section 2 of Article X of the

Ms. Margit Aramburu
January 18, 1995
Page 2

California Constitution if reclaimed water is available which meets all of the following conditions...." Essentially, the Water Code requires that recycled water be used when it is safe, available, and economical. Furthermore, the Water Code also has numerous sections that assure the protection of both surface and groundwater water quality. Therefore, a ban would impose more stringent regulations on water reclamation than currently exist in the Water Code.

We will appreciate an opportunity to make an oral presentation to the Commission to make some specific suggestions on how the soil and water quality of the Delta could be protected through application of existing state laws and regulations. We would welcome being invited to do so.

Sincerely,


James M. Kelly
Past President

JMK:lbp

Enclosure: Resolution 94-2

cc: Board of Directors, WaterReuse Association of California

**RESOLUTION 94-2 OF THE BOARD OF DIRECTORS OF
WATEREUSE
ASSOCIATION OF CALIFORNIA**

WHEREAS, the Department of Water Resources estimates that California will need to increase its water supply by 3,000,000 to 5,000,000 acre-feet per year by 2010; and

WHEREAS, the California State Legislature has adopted state-wide goals for water reclamation providing 700,000 acre-feet per year by the year 2,000, and 1,000,000 acre-feet per year by 2010 to help the state meet its future water needs; and

WHEREAS, water recycling stretches water supplies thereby protecting and preserving the watershed environments; and

WHEREAS, on June 1, 1994, a statement of support for water reclamation was signed by representatives of federal, state, and local agencies having jurisdiction over water supply, water quality, public health, and the environment; and

WHEREAS, water reclamation has long been occurring naturally along river courses as well as through intentional, artificial replenishment, with no ill effects on human health; and

WHEREAS, there is substantial factual information to indicate that use of reclaimed water is a safe and vital water management tool in California for meeting future water supply needs; and

WHEREAS, the Delta Protection Commission has directed the Commission staff to draft language for inclusion in the Delta Protection Plan that would ban the use of reclaimed water generated outside the Primary Zone of the Delta within the Primary Zone of the Delta; and

WHEREAS, WaterReuse believes a ban by the Delta Protection Commission of the use of reclaimed water generated outside the Primary Zone of the Delta within the Primary Zone of the Delta is based on an unfounded fear of public health effects and environmental impacts that are unsupported by technical or medical findings; and

WHEREAS, the consequences of a ban by the Delta Protection Commission would be disruptive to the development of new water supplies in California; and

WHEREAS, WaterReuse believes the Delta Protection Commission has legitimate policy concerns and goals and that those legitimate goals and concerns are either addressed by existing laws or can be accomplished without an outright ban; and

WHEREAS, WaterReuse has actively supported water reclamation through the state:

NOW, THEREFORE be it resolved that:

- 1. The WaterReuse Association of California will continue to support appropriate water recycling projects by its members.**
- 2. The WaterReuse Association will support efforts by the Delta Protection Commission to accomplish its mission and to protect soil and water quality by application of existing federal and state laws and regulations.**
- 3. The Association will continue to oppose the unfounded bans of water reclamation that will obstruct water recycling locally and state-wide.**



4565 Quail Lakes Drive, Suite A-1 Stockton, California 95207
(209) 474-7581 FAX (209) 474-9105

January 24, 1995

VIA FACSIMILE NO. (916) 776-2293

Delta Protection Commission
P. O. Box 530
Walnut Grove, California 95690

Dear Commission Members:

I am manager of the California Asparagus Commission and have been working in the asparagus industry for approximately thirty-five (35) years.

The California Asparagus Commission is a State commission established by Agriculture Code Sections 78201, et seq. The production and marketing of asparagus produced in the State has been declared by law to be affected with a public interest. The California Asparagus Commission represents approximately eighty percent (80%) of the asparagus producing area in California including the Sacramento and San Joaquin Delta area. The tasks of the Commission include the development, maintenance and expansion of foreign and domestic markets and promotion of asparagus sales.

Almost all of the California asparagus is marketed as a fresh vegetable. About twenty-eight to thirty percent (28 - 30%) is exported and the balance is marketed throughout the United States. The fresh asparagus and other fresh vegetable markets and particularly the export markets are very sensitive to product quality. The application of sewage sludge or wastewater to asparagus plantings or fields which will be planted or areas in the immediate vicinity of such fields could have a disastrous impact on the marketability of California asparagus.

Most of the asparagus produced in California is produced in the area of the primary zone of the Delta Protection Act. I support the exclusion of sewage sludge and wastewater from the Delta Primary Zone and would advise further that sewage sludge or wastewater not be used on any food crops or lands intended to produce food crops.

Very truly yours,

A handwritten signature in dark ink, appearing to read "William P. DePaoli".

William P. DePaoli

BAY- DELTA OVERSIGHT COUNCIL

1416 NINTH STREET, SUITE 1155
SACRAMENTO, CA 95814

Please Address Communications to:

P.O. Box 942836
Sacramento, CA 94236-0001

Phone: (916) 657-2666
FAX: (916) 654-9780



January 12, 1995

Ms. Margit Aramburu
DELTA PROTECTION COMMISSION
14219 River Road
P.O. Box 530
Walnut Grove, CA 95690

Dear Margit:

Thank you for providing me with a copy of the Delta Protection Commission's (DPC) Revised Draft Plan for BDOC staff review. I was pleased to notice that some changes had been made which were responsive to our comments on the previous draft, particularly with respect to the subsidence issue.

As before, our primary concern is that through its Plan the DPC not foreclose potential options that may contribute to resolving the full range of problems in the Delta. We are especially sensitive to policies and recommendations that could potentially limit in-Delta habitat enhancement and statewide water management initiatives. Two sections of the revised plan remain of concern.

The first is Water Recommendation R-1:

The Delta waterways should continue to serve as a primary
~~the~~ transportation system moving water to the State's natural
and developed water systems.

While we appreciate the change which was made, it would be helpful if the Commission could somehow confirm or clarify that "a primary" is used loosely and that there is not an expectation that the Delta water transportation system must remain "first or highest in importance" as "primary" is defined by Random House. While I cannot envision a scenario that would completely remove the Delta as a cog in California's water transportation system, it is certainly possible that other forums may recommend its role be diminished. Deletion of the word "primary" would eliminate such possible future inconsistencies.

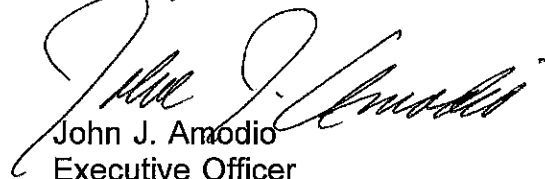
The second change of interest is the new Utilities and Infrastructure Policy P-3:

. . . To protect long-term viability of agricultural lands in the Primary Zone, neither treated wastewater nor biosolids shall be released onto or into such lands.

Though we certainly understand the DPC's desire not to displace agricultural lands for wastewater treatment and disposal, this policy appears to foreclose the use of wastewater on agricultural lands and adjacent properties for habitat enhancement; a potential option being investigated by the BDOC's technical advisory committees. To account for this possibility, perhaps tacking on the words "for the purposes of wastewater treatment or disposal". This could both address the DPC's concerns and provide more flexibility for creating seasonal wetland habitat and storing or treating Delta agricultural drainage before it is discharged into Delta channels. Another suggestion is to insert the word "municipal" between "treated" and "wastewater" for clarification purposes.

We appreciate your continued good work. Thank you for your consideration of our comments.

Sincerely,



John J. Amodio
Executive Officer
Bay-Delta Oversight Council

cc: Bob Potter



CITY OF WEST SACRAMENTO

*Where efforts and values are focused on the creation of the
Premier City of the Sacramento Valley*

City Council
City Administration
Personnel

2101 Stone Boulevard
916-373-5800
Fax: 916-372-8765

Finance

2101 Stone Boulevard
916-373-5816
916-373-5810 Utilities
Fax: 916-372-8765

Police

305 Third Street
916-372-2461
Fax: 916-373-0517

Fire

1751 Cebrian Street
916-373-5840
Fax: 916-371-5017

Public Works

1951 South River Road
916-373-5850
Fax: 916-371-1516

Building

1951 South River Road
916-373-5822
Fax: 916-371-1516

Parks &

Community Services

1951 South River Road
916-373-5860
Fax: 916-371-1516

Redevelopment

Economic Development

Housing

1102 Jefferson Boulevard
Suite D
916-373-5843
Fax: 916-373-5848

Community Development

Code Enforcement

1951 South River Road
916-373-5854
Fax: 916-371-1516

January 24, 1995

Ms. Margit Aramburu
Executive Director
Delta Protection Commission
P. O. Box 530
Walnut Grove, California 95690

Dear Ms. Aramburu:

As the staff member responsible for the review of the Delta Protection Commission's Draft Plan, I was dismayed at its contents. I strongly urge the Commission to table consideration of the adoption of this plan until a full presentation is made on the legal, environmental, and legislative implications of the Plan. I also urge staff to make amendments to the Plan in order to avoid challenge. The City of West Sacramento is particularly concerned with the Land Use, Water, Utility, Marine Patrol, and Implementation elements. Also, while not affecting the City directly, the Environment, Utility, and Levee elements need revisions and clarifications.

Land Use policy P-8 states that mitigation in the Primary zone is acceptable if it supports continued farming. This policy places no restrictions on the type of mitigation, only on the resultant usage. As written, this policy is acceptable. However, Utilities policy P-3, as revised, conflicts with the land use policy by restricting the type of mitigation measures without any regard to the resultant usage. In addition to being internally inconsistent, this policy P-3 has no environmental basis or supporting documentation. In fact, the environmental analysis, on page B-11, notes that enhanced treatment of wastewater and biosolids may make these materials acceptable for irrigation and fertilization of landscaped areas and recreational facilities. While the policy does have a basis when discussing untreated waste, the environmental document clearly establishes beneficial uses for treated waste. Either the policy needs to be revised to make a distinction, or the environmental document needs an in-depth analysis on the water quality and quantity impacts on the diversion of treated waste from the Delta.

This same policy, P-3, exempts the Rio Vista and Ironhouse facilities. However, the DPC legislation exempts facilities for Stockton, Lodi, and unincorporated towns within the Delta. This divergence from the legislation needs to be explained.

The Water element does not clearly discuss or differentiate the impacts of the water quality issues. The environmental analysis is equally silent on these issues. Without the in-depth explanation of the quantitative effects that each of these issues presents, the Commission will not be able to make an informed decision on the policies. Such an analysis should include the current water quality in various drainages, the change to water quality if treated waste is added, and the change to salinity control if treated wastewater is diverted from the Delta.

The Marine Patrol element identifies the City of West Sacramento's police patrol boat. This element then goes on to mandate ("shall") programs, equipment, meetings, and procedures which local governments must implement. In clearly identifying the West Sacramento

capability and changing the policy wording from "County" to "Local Government", the Commission staff appears to require West Sacramento participation. The mandatory wording "shall" as it relates to new requirements thus becomes a mandated cost. This wording is inconsistent with the DPC legislation in that patrol costs cannot be assigned to service charges, fees, or assessments. The DPC must either repay any jurisdiction for its costs to meet this mandate, make the policies voluntary ("should"), or seek a revised statute to reimburse these costs.

The Implementation element of the Plan is inadequate from both a legislative standpoint and a descriptive standpoint. Legislatively, no reimbursements are required since local governments may levy service charges, fees, or assessments to cover costs. However, there is no nexus under AB 1600 to cover the staff costs to review the Plan and then amend a General Plan to obtain compliance. The Commission needs to clearly state in this element what sources of funds they expect local jurisdictions to use to recoup these costs. The descriptive inadequacy is that the Plan does not include the legislative definition of the Primary Map, the accompanying map is not sufficient to detail the boundaries, and the Commission staff is unsure of the impacted jurisdictions. A day after receiving the draft Plan, West Sacramento received a letter from the Commission staff requesting in part a response as to whether any "portions of any other City are within the Primary Zone." If Commission staff and City staff are unable to establish jurisdiction then a dispute exists as to the enforcement ability of the Plan. Short of legal or legislative action, the Commission should establish which local agencies are located within the Primary Zone subject to the mandates of the plan. Where there is confusion as to the boundary, the Plan should state the uncertainty and establish by policy whether a portion of a local agency is or is not within the Primary Zone. This positive action would enable dialogue and discovery based on facts rather than uncertainty. For West Sacramento, the Plan should state that south of the Deep Water Ship Channel, the Primary Zone is coterminous with the City's western city limit.

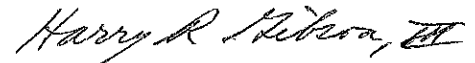
I am also concerned with the wording of the Environmental element as it relates to the Levee element. The environmental element fails to establish the habitat or traits of either the beaver, the muskrat, or other burrowing animals. Yet these burrows are clearly established as a possible (probable?) source of past levee failures. Both sections should have factual support each other.

Lastly, the Levee element is inadequate in its description of the flood characteristics of the Delta. This inadequacy is caused by the familiarity of the writer with the Delta, not by a lack of knowledge. Unfortunately, the section fails to convey to a reader unfamiliar with the Delta the true variation of flow and water level between the flood flow and low water conditions. Without this information, it is difficult for even the summer boater to understand how the levees which tower over them in August can be endangered in winter. This may be remedied by either citing the conditions of the February 1986 storm or the modeled differences between the 100 year flood and the ordinary low water conditions. The need for this clarification is of importance to West Sacramento since we intend, in cooperation with the Corps of Engineers, to provide the greatest protection for our citizens. If all parties understand the importance of the levees and the different "faces" of the river, then the protection of our population is more clearly understood.

As a staff member familiar with legal and physical issues from the Coast through the Central Valley to Lake Tahoe, I consider the preceding points to be serious enough to warrant returning

the Plan to Staff before the Commission takes formal action on the Plan. Let me emphasize that the information provided to West Sacramento has internal inconsistencies, environmental impacts which are significant, inadequate information to make findings of fact, ambiguity as to jurisdictional enforcement, and imposes mandated costs contrary to the State law creating the Commission. Should your staff require any clarification on these issues, they may contact me at the Community Development Office.

Sincerely,

A handwritten signature in cursive script, reading "Harry R. Gibson, III". The signature is written in dark ink and is positioned above the printed name and title.

Harry R. Gibson, III
Principal Planner



PETE WILSON
GOVERNOR

State of California

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO 95814



LEE GRISSOM
DIRECTOR

916/445-4831

January 25, 1995

Ms. Margit Aramburu, Executive Director
Delta Protection Commission
14219 River Road
P.O. Box 530
Walnut Grove, California 95690

Subject: Comments and Recommendations on the Revised Draft Land Use and Resource Management Plan for the Primary Zone of the Delta

Dear Ms. Aramburu:

In accordance with the requirements of the Delta Protection Act of 1992, particularly Public Resources Code Section 29761, I am hereby transmitting my comments and recommendations on the Draft Land Use and Resource Management Plan for the Primary Zone of the Delta. Please note that these comments are rendered in the spirit of constructive edification, and as such are not intended to be misconstrued as criticism. General comments on the draft plan will precede more specific comments on the draft.

GENERAL COMMENTS:

The Commission and staff are to be commended for amending scores of draft plan policies by replacing the word "should" with the word "shall." In doing so, the Commission recognizes that "shall" indicates an unequivocal directive that reflects a solid commitment to the given policies. On the other hand, the word "should" gives the false impression of more commitment than is actually intended. As we note in the General Plan Guidelines, it is better to adopt no policy than to adopt a policy with no backbone. Thus, by making these amendments, the Commission has shown commitment and exercised leadership.

This office recognizes that six State departments with legitimate delta planning concerns, including the State Lands Commission, are represented by membership on the Commission. This representation has afforded them continual input into the planning process from the beginning. Therefore, on the matter of review and comment by these entities, the Office of Planning and Research will defer to their individual subject area expertise. This deference applies to the following departments and statewide plan policies:

Ms. Margit Aramburu, Executive Director
Delta Protection Commission
January 25, 1995
Page Two

- o Department of Parks and Recreation and its input as it relates to the California Outdoor Recreation Plan,
- o Department of Fish and Game and its input as it relates to Comprehensive Management, A Comprehensive System for Stewarding Wildlife Resources, Managing Change, and Serving the Public, and the
- o Department of Water Resources and its input as it relates to the California Water Plan Update.

We are unaware of any other statewide functional plans developed by the remaining State departments represented on the Commission.

SPECIFIC COMMENTS:

The following comment is directed solely to an issue within the draft plan, itself:

(1) Utilities and Infrastructure Policy P-3 on page 13--The policy as proposed for revision is very much in keeping with the following fundamental policies expressed in the California Environmental Quality Act:

- o The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.
- o There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state.
- o The capacity of the environment is limited, and it is the intent of the Legislature that the government of the State take immediate steps for the health and safety of the people of the State and take all coordinated actions necessary to prevent such thresholds from being reached. (Public Resources Code Section 21000(a), (c), and (d))

We would ordinarily be inclined to concur with the proposed amendments to Policy P-3, absent any contravening information that the release of biosolids onto agricultural delta soil represents sound disposal practice. However, there does appear to be some contravening information, given written testimony within the past two months. Therefore, we would recommend that the Commission pursue investigation of this issue and deliberation over the facts before instituting the policy. Nevertheless, even if the application of biosolids on Delta agricultural soil is determined

Ms. Margit Aramburu, Executive Director
Delta Protection Commission
January 25, 1995
Page Three

to be harmless in the long run, the Commission may reserve the right to adhere to aesthetic principles and policies that need to be established and clearly delineated in the text of the draft plan. It is quite likely that such principles and policies have been established in applicable county general plans.

The following comments are directed to issues of conformity between the draft plan and various other relevant statewide functional plans or policies.

(2) Governor's Wetlands Policy (August 1993)--Exact conformity between the Delta plan draft and the wetlands policy is difficult to discern, despite the number of intersecting issues that both address. At least, there are no major conflicts. A few points of non-intersection or marginal intersection between the two documents create possibilities for future Commission policy consideration, specifically:

- o Wetlands Policy III-E: Enhance efficiency of and coordination in the wetland permitting process.

- o Wetlands Policy III-F: Encourage regulatory flexibility in situations in which wetlands are created unintentionally or incidental to other activities.

- o Wetlands Policy III-G: Encourage regulatory flexibility to allow public agencies and water districts to create wetlands but later remove them if the wetlands are found to conflict with the primary purpose to which the property is devoted.

The draft Delta plan is sensitive to wetlands policy objectives, as shown by its conformity with the following wetlands policy:

- o Wetlands Policy IV-B: Support other existing programs to voluntarily acquire, restore, enhance, and manage wetlands--The State will continue to support the voluntary acquisition, restoration, enhancement and management of wetlands through sufficiently funded State, Federal, local and private programs. The use of State funds will emphasize the restoration, enhancement, and management of existing State-owned wetlands.

(3) State Water Resources Control Board Plans: (a) California Inland Surface Waters Plan (May 1993), and (b) California Enclosed Bays and Estuaries Plan (May 1993)--Conformity with these two plans has become a moot issue, because the Water Resources Control Board rescinded both of them in September, 1994, and has commenced working on new plans.

Ms. Margit Aramburu, Executive Director
Delta Protection Commission
January 25, 1995
Page Four

(4) State of California Flood Hazard Mitigation Plan (August 1986, Office of Emergency Services and Department of Water Resources)--As noted in the General Comments section of this letter, the Department of Water Resources, a co-author of this document, has the specific subject area expertise with which to identify possible inconsistencies. The Delta plan draft does not present any salient conflicts with the flood hazard mitigation programs and practices identified in this document.

(5) California Environmental Technology Partnership 1994 Strategic Plan for Promoting California's Environmental Technology Industry (January 1994, Cal EPA, Trade and Commerce Agency, and Environmental Technology Advisory Council)--To the extent that the plan's restrictive land use policies represent barriers to technology developers, there is probably some conflict. Nevertheless, in the plan's larger land use scheme, environmental technology industry can be accommodated in accordance with the plan's policy P-3, page 21, which provides for appropriate buffering between commercial or industrial uses and existing agricultural use to protect the land's integrity for future agricultural use.

(6) Department of Conservation: Conserving the Wealth of the Land: Plan for Soil Conservation--No obvious conflicts with this plan appear to exist.

(7) Integrated Waste Management Board: California State Plan for Integrated Waste Management--The plan was not prepared due to subsequent legislation that required preparation of an annual report, only, and not a plan, per se.

(8) Department of Transportation (Caltrans): Rail Passenger Development Plan, 1990-95 Fiscal Years (1990)--Proposed rail passenger lines do not cross the Primary Zone of the Delta. Therefore, no conflict exists.

(9) Department of Transportation (Caltrans): California Transportation Plan, Final Draft (March 1994)--Although this document is still a draft, many of its goals and policy statements are likely to be retained, since its enabling legislation requires treatment of several statewide issues, including environmental protection. The most relevant of these policies are those of Policy 3, which includes the following strategies, none of which presents any conflict:

Policy 3--Transportation decisions will protect the environment and promote energy efficiency while improving mobility:

Ms. Margit Aramburu, Executive Director
Delta Protection Commission
January 25, 1995
Page Five

- o Protect sensitive habitat;
- o Improve water quality;
- o Conserve water;
- o Expand use of effective mitigation and enhancement techniques;
- o Enhance scenic corridors.

It is clear that a great deal of research, coordination, and public participation went into the preparation of this draft. The hard work behind a plan's preparation often goes unrecognized. So that I may not be remiss, please accept my congratulations on reaching this stage of the process.

If you have any questions about these comments or recommendations, please contact Robert Cervantes of the Planning Unit at 445-4831.

Sincerely,

A handwritten signature in cursive script that reads "Robert Cervantes". Below the signature, the word "for" is written in a smaller, simpler script.

LEE GRISSOM
Director

ABF FARM SERVICES, INC.

UNION ISLAND

Telephone Stockton (209) 462-0208

7761 W. Undine Road

STOCKTON, CALIFORNIA 95206

January 25, 1995

To: The Commission of the Delta Protection Act
From: William W. Salmon
Commissioner for the South Delta
Re: January 26 Meeting of the Commission

I am unable to attend the January 26th meeting of the Commission as I will be out of the country on personal business. I do however feel an obligation to the constituencies which I represent in the South Delta to send a statement of my position regarding the the Land use and Resource Management Plan for the Primary Zone of the delta.

Addressing the subject under the heading of Environment, page 13, p-3, the new language should read; New sewage treatment facilities (including storage ponds) and areas for disposal of sewage effluent and sewage sludge serving uses outside the Delta Primary Zone shall not be located within the Delta Primary Zone. This should also grandfather in the facilities of Rio Vista and the Ironhouse Sanitary District on Jersey Island.

My reasoning for this position is based on the following;

1. Impacts and costs of development should not be imposed on areas outside of the areas of planned development.
2. Disposal of waste-water and sewage sludge should be integrated into the development plan for the area to be developed.
3. Delta Protection Act- Primary Zone is intended to be maintained in agriculture.
4. The chance of flooding in areas in which pathogens, metals and salts may have accumulated could result in contamination of the delta and it's waterways. These waterways serve, in part, as the water supply for many municipalities.
5. The stigma attached at the retail level to crops being grown with the use of sewage sludge or waste-water, regardless if contamination has occurred, could hurt all of agriculture.

Sincerely,

William W. Salmon
Commissioner for South Delta



**SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95205-6232
PHONE: 209/468-3120 Fax: 209/468-3163

December 30, 1994

M E M O R A N D U M

TO: Margit Aramburu, Executive Director, Delta Protection Commission

FROM: Peggy Keranen, Deputy Director *P.K. (by K.W.)*

SUBJECT: Revised Draft Land Use and Resource Management Plan for the Primary Zone of the Delta, December, 1994

Following are my comments on the Revised Draft Land Use and Resource Management Plan for the Primary Zone of the Delta. A heavy work load did not permit me to comment on the earlier draft. I appreciate your willingness to consider my comments at this time. Minor editing changes are proposed on the enclosed marked-up pages of the draft.

Introduction

pages 1 and 2: The last paragraph on page 1 states that recommendations may apply to more than one local government, whereas page 2 states that recommendations cannot be carried out by local government. It appears that some of the recommendations would be applicable to local government as well as other agencies; for examples see R-2 on page 8, R-7 on page 15, and R-6 on page 22. With respect to the policies, local governments may not have jurisdiction to act on some of the policies. Some of these have been noted in my comments.

Environment

p.8, Environment Policy P-1: Local government has control over land use, but not land management per se. I suggest that this policy be reworded as follows:

The priority land use of areas of prime soil ~~is~~ shall be agriculture. ~~if~~ if commercial agriculture is no longer feasible due to subsidence or lack of adequate water supply or water quality, ~~Delta lands shall be managed for~~ land uses which protect other beneficial uses of Delta resources, and which

would not adversely affect agriculture on surrounding lands, or viability or cost of levee maintenance, may be permitted. If taken out of agricultural production, the land shall remain reinstatable to agricultural production for the future.

p.8, Environment Policy P-2: Local government has no control over agricultural and land management, as assumed in the first sentence. I would suggest that the word "should" remain in both sentences rather than "shall."

p.8, Environment Policy P-3: Local government may not have control over "lands managed primarily for wildlife habitat." Therefore, the original word "should" is more appropriate than "shall" in addressing management of these lands. The second sentence could be changed as follows to read: "Delta-wide habitat needs ~~should~~ shall be addressed in development of any wildlife habitat plan in the Delta."

Utilities

p.12, Utilities Policy P-1: Local government is preempted from regulating utility lines. This policy should, therefore, be moved to the recommendations.

p.12, Utilities Policy P-2: The purpose of the first sentence is not clear. Is the intent actually to mandate on-site facilities?. I would suggest the following change: "~~New houses built in the Delta agricultural areas shall continue to be served by independent potable water and wastewater treatment facilities. Other u~~Uses which attract a substantial number of people to one area...."

p.13, Utilities Policy P-3: There are some existing sewage treatment facilities in the Primary Zone, and expansion areas for these may be needed. This policy should allow for that possibility. Also, there appears to be a problem with the wording of the last portion of the last sentence.

Land Use

p.16, Land Use: Sometimes the term "Delta" seems to refer to only the Primary Zone and at other times the term seems to refer to the entire Delta or legal Delta. In the first paragraph of this section the statement is made that Isleton is the only incorporated city in the Delta, however, portions of Stockton, Lodi, and Tracy are within the Delta.

p.22, Land Use Policy 8: Habitat mitigation banks may not include agriculture. Therefore, the following portion of Policy 8 is too broad: "Mitigation in the Primary Zone for impacts in the Secondary

DPC Memo to Margit Aramburu
December 30, 1994
Page 3

Zone is acceptable if the mitigation program supports continued farming."

Agriculture

p.26, Agriculture Policy P-2: The following change in wording of the first sentence is proposed: "~~Identify and protect t~~The unique qualities of the Delta which make it well suited for agriculture shall be protected."

Recreation

p.39, Recreation Policy P-3: The policy should specify that the siting criteria are for recreation projects.

Levees

p.47, Levees Policy P-2 and p.49, Levees Recommendation R-12: The Policy states that local government shall adopt state and federal vegetation guidelines, if needed, while the recommendation states that appropriate vegetation guidelines should be established. In light of the current status of guidelines, local governments should not be required to adopt specific guidelines, which may not be appropriate.

Marine Patrol

p.55, Marine Patrol Policy P-6: Local government may not have the funds to provide adequate levels of marine patrol, even with the funding sources suggested in Policy 11. This policy should contain the qualification: "if adequate funding is available."

p.56, Marine Patrol Policy P-7: Identification of problems and solutions to environmental pollution extends beyond local government and should be the responsibility of a state agency.

Thank you for the opportunity to comment on the revised draft plan. If you have any questions regarding my comments, I may be contacted at (209) 468-3146 after January 16th (I'll be on vacation until then.)

PK:jjf
Enclosure
c. Supervisor Barber
DPC File: 9.2.04.11
DPCREV.DFT



CITY OF STOCKTON

DEPARTMENT OF MUNICIPAL UTILITIES

2500 NAVY DRIVE
STOCKTON, CA 95206-1191
(209) 937-8750
FAX (209) 937-8708
January 12, 1995

Margit Aramburu, Executive Director
14219 River Road
P. O. Box 530
Walnut Grove, CA 95690

USE OF RECYCLED WATER AND BIOSOLIDS IN THE DELTA PRIMARY ZONE

You will by now have received an Issue Paper prepared by Tri-TAC dated December 20, 1994 regarding the use of recycled water and biosolids in the Delta Primary Zone. It is our understanding that the Delta Protection Commission is considering banning the use of recycled water and biosolids outside the primary zone from being used in the primary zone. If you have not yet seen this Issue Paper, please advise me and a copy will be FAX'ed to you.

Tri-TAC has very carefully researched this issue and has concluded that there is absolutely no scientific basis for taking this action. Use of recycled water and biosolids under proper conditions has been accepted as safe and beneficial for many years. Adequate state and federal regulation of these uses already exists to insure that there will be absolutely no adverse effect upon human health or the environment.

The City of Stockton supports the position of Tri-TAC on this issue and very strongly urges the Commission to reconsider this proposal. Such a ban would certainly be arbitrary and capricious. It would needlessly prevent the Delta Primary Zone from receiving the benefit of the use of these natural resources, and add greatly to the cost of resources management. In this day and age of shortages, the Commission should be acting to enlighten the public on the benefits of using recycled water and biosolids as a resource, rather than to continue to attach a stigma to such use.

MORRIS L. ALLEN
DIRECTOR OF MUNICIPAL UTILITIES

MLA:pb

HENN, ETZEL & WEISS

ROBERT L. HENN
FREDERICK M. ETZEL
PAUL A. WEISS

INCORPORATED
ATTORNEYS AT LAW
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SAN FRANCISCO, CALIFORNIA 94111-4151
(415) 392-4600

OF COUNSEL
JOHN DOUGLAS MOORE
FACSIMILE
(415) 392-2939

MEMORANDUM

VIA U. S. MAIL AND FAX NO. 916-776-2293

TO: Margit Aramburu, Executive Director
FROM: Bob Henn *RfH*
DATE: December 22, 1994
RE: Jersey Island - Delta Protection Commission

Here is the suggested language which I worked out with Dan Nomellini. The underlying concept is that the exclusion of Jersey Island from the new policy should end when Ironhouse ownership ends, since the predicate for the exclusion is Ironhouse's acquisition, planning and expenditures before the Commission first considered the prohibition on wastewater and biosolids.

1. The text which begins the Utilities and Infrastructure portion of the Plan could include the following:

Ironhouse Sanitary District purchased most of Jersey Island in April of 1993, planning to use treated wastewater and biosolids from Ironhouse wastewater treatment facilities outside the primary zone (south of Dutch Slough and the Big Break) to irrigate, fertilize and condition Jersey Island pasturelands and crops. This was prior to the Commission's first consideration of any policy concerning wastewater and biosolids in the primary zone.

This will provide the factual basis for the exclusion of Jersey Island from the Policy.

Margit Aramburu, Executive Director
December 22, 1994
Page 2

2. Then, after the policy excluding reclaimed water and biosolids from the Primary Zone, add the following sentence:

Ironhouse Sanitary District's use of Jersey Island for disposal of treated wastewater and biosolids is excluded from the foregoing policy.

CC: Dan Nomellini
David Bauer
Marv Lindorf

January 10, 1995



Ms. Margit Aramburu
Executive Director
Delta Protection Commission
P. O. Box 530
Walnut Grove, CA 95690

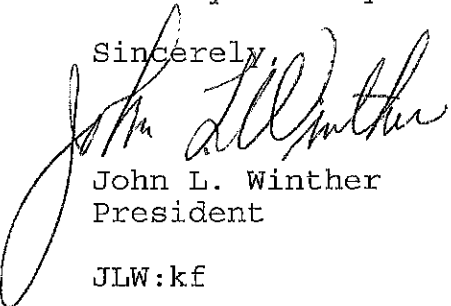
Dear Ms. Aramburu:

I have the revised draft of the *Land Use and Resource Management Plan for the Primary Zone of the Delta* and have the following general comment:

Chapter 5, Paragraph 29760 b (14), of the Delta Protection Act of 1992 indicates that water reservoirs and habitat development that are consistent with other uses in the Delta will be permitted by the Resource Management Plan. There is no mention in your draft land use plan to indicate this element of the act. I am not certain where it is best to mention this in your document and will defer to your judgment as to how the intent of the act best be displayed in your most recent document.

Thank you for your consideration.

Sincerely,



John L. Winther
President

JLW:kf

January 25, 1995



Ms. Margit Aramburu
Executive Director
Delta Protection Commission
P. O. Box 530
Walnut Grove, CA 95690

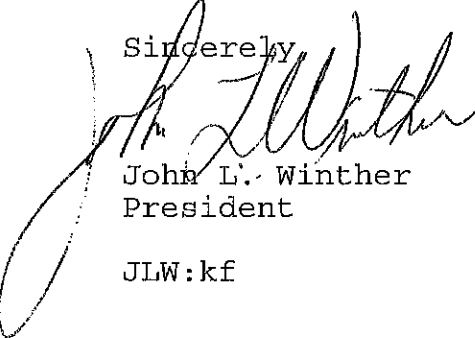
Dear Margit:

Re: Revised Draft Land Use and Resource Management Plan
for the Primary Zone of the Delta

There is language in the above-referenced document that appears to nearly prohibit the discharge of sewage effluent or treated solids onto Delta islands. In our view that language is not strong enough and we support the language presented by the Central Delta Water Agency. Keep in mind that islands in the Delta are in essence a part of the water supply. Water is constantly being moved on and off the islands and has been for years. Any practice that might introduce contaminants and jeopardize the Delta as a water supply could severely impact two-thirds of the population of our state and should clearly be avoided.

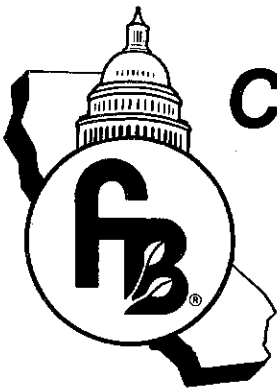
Thank you for considering this comment.

Sincerely,



John L. Winther
President

JLW:kf



California Farm Bureau Federation

James C. Eller, Manager
Governmental Affairs Division
1127-11th Street, Suite 626
Sacramento, California 95814
Telephone: (916) 446-4647

January 23, 1995

Ms. Margit Aramburu
Executive Director
Delta Protection Commission
P.O. Box 530
Walnut Grove, California 95690

Dear Margit:

Farm Bureau appreciates this opportunity to comment on the revised Land Use and Resource Management Plan for the Primary Zone of the Delta. It appears from the new draft that the commission was very open to public input as it includes many of the comments submitted on the previous version. We would like to call to your attention two important requirements omitted from the previous draft, restate our concerns regarding two issues from the earlier draft, and provide several additional comments regarding the new language in this draft.

We have discovered two extremely significant omissions from the regional plan that are required in Chapter 5 of the Johnston Act (commencing with Section 29760):

- Subdivision (e) of Section 29760 reads as follows: "To the extent that any of the requirements specified in this section are in conflict, nothing in this division shall deny the right of the landowner to continue the agricultural use of the land."
- Section 29767 reads as follows: "In implementing the regional plan, the exercise of the power of eminent domain is prohibited unless requested by the landowner."

The inclusion of this language in S.B. 1866 was absolutely essential to obtain our support for this measure as well as the support of the five affected county Farm Bureaus. We feel strongly that it is even more important to include these adopted state policies in the plan itself. Because of its relevance to the implementation of the overall goal of the plan, we respectfully suggest that the language in Section 29670(e) be included on page one at the end of paragraph four of the Introduction. The new language should read: "Also pursuant to the Act, to the extent that any of the requirements specified in this Land Use and Resource Management Plan are in conflict, nothing in this plan shall deny the right of the landowner to continue the agricultural use of the land."

We believe that the language contained in Section 29767, relative to eminent domain, is such a significance policy statement that it belongs in both the Introduction and as a policy statement in Land Use section of the plan. In the Introduction, we suggest that an appropriate location would be in the last paragraph just before the last sentence on page two. Our suggested language would read: "It is important to note, however, that in the implementation of both the policies and recommendations of this plan, the Act specifically prohibits the exercise of the power of eminent domain unless requested by the landowner." As a policy statement, we respectfully request the inclusion of a new Land Use Policy P-9, on page 22, to read: "The implementation of the policies and recommendations contained in this plan shall not be achieved through the exercise of the power of eminent domain unless requested by the landowner."

Regarding our letter of October 26, 1995, we hope the Commission would seriously reconsider two of our previous comments in the hope improving the plan:

- We would like to reemphasize our belief that it is not the business of the Delta Protection Commission to insert itself in the public trust boundary disputes between the State Lands Commission and the private landowners in the Delta. Therefore, we must strongly object to the new language that has been added in paragraph four of the introduction of the Land Use section on page 16.

We must also continue to recommend the deletion of Land Use Recommendation R-2 on page 22. The resource management plan will not be furthered or enhanced in any way by encouraging the state to finance any escalation in the adversarial relationship between the State Lands Commission and Delta landowners. We believe that the State Lands Commission has on many occasions treated Delta landowners in a less than forthright or evenhanded manner. Also, we believe that including this recommendation relative to the State Lands Commission is inconsistent with the statutory provisions contained in Sections 29714, 29760(b) and 29760(e).

- We must also renew our previous request that Agricultural Policy P-5, on page 26, be reworded to encourage improving the economic viability of Delta agriculture by implementing the latest strategies to minimize costly production inputs. For example, this policy might read: "Support should be given to current and alternative programs that help to minimize the need for costly production inputs such as fertilizers, pesticides, and herbicides as long as crop production levels and agricultural income can be maintained. Improving crop production and agricultural income is vital to the success of Delta agriculture." While the second sentence may seem more like a finding than a policy, we nevertheless believe the statement is crucial to understanding the overall objective of this *agricultural policy*.

We would also like to offer several new comments on various elements of the plan:

- The last sentence in Agricultural Finding F-11, on page 25, needs to qualify its categorical declaration. We suggest the following: "However, many of the existing programs do not reflect the unique Delta resources and opportunities."
- Agricultural Policy P-1, on page 26, should more accurately reflect the purpose of the regional plan by narrowing its focus to the Delta, therefore, we recommend that you strike "California" and insert "the Delta."
- Agricultural Policy P-2, also on page 26, needs clarification as to the action required. We recommend that the first sentence read as follows: "Local governments shall identify and protect the unique qualities of the Delta which make it well suited for agriculture."
- Agricultural Policy P-4, again on page 26, needs to be a stronger statement with a more appropriate rationale. We suggest the following change: "Local governments shall support long-term viability of commercial agriculture in ~~the State and the Delta based on new international trade opportunities and new directions in the use of agricultural products~~ because of its economic and environmental importance to the State and local communities."
- Agricultural Policy P-7, on page 27, needs to be more specific relative to the agricultural nature of the conservation easements. After all, this is the agriculture section of the plan. We urge you to accept the following proposed changes: "Encourage acquisition of agricultural conservation easements as mitigation for projects within each county, or through public or private funds obtained to protect agricultural ~~lands~~, and open space values, and habitat value that is associated with agricultural operations. Encourage transfer of development rights within land holdings, from parcel to parcel within the Delta, and, where appropriate, to sites outside the Delta. Promote use of environmental mitigation in agricultural areas only when it is consistent and compatible with ongoing agricultural operations and when developed in appropriate locations designated on a county-wide or Delta-wide habitat management plan."

We believe the suggested changes in the last sentence above are especially important because this policy should be consistent with both the Environmental Policy P-1 and Land Use Recommendation R-3.

- Agricultural Policy P-9, on page 27, needs further clarification relative to minimum parcel sizes. We recommend that a third sentence be added to read as follows: "This policy shall not be construed to required the re-zoning of subminimum parcels."

Ms. Margit Aramburu
January 23, 1995
Page Four

- In the introduction of the Levees section, on page 42, we suggest the following change to add another important reason to require proper levee maintenance: "There are also other impacts associated with levee failures in the Delta which including, but not limited to, severe alteration of the aquatic habitat that should also be recognized and noted."
- In the newly added second sentence of Levees Policy P-1, on page 47, we must strongly recommend that this policy statement be a mandate, not a recommendation. Specifically, we believe this statement should read: "Delta levee maintenance and rehabilitation ~~should~~ shall be given priority over other uses of the levee areas."

Finally, from an editorial standpoint, we would like to point out a couple of typographical errors or poorly worded sentences that you and your staff may have missed:

- In the introduction of the Land Use section, on page 16, it would be clearer to start the fourth paragraph with "This" instead of "The".
- In the first sentence of Land Use Finding F-4, on page 17, following "agriculture" strike the colon and insert a semi-colon.
- In the fourth sentence of Land Use Finding F-5, on page 18, after "agricultural land use" insert a comma.
- In Agriculture Recommendation R-3, on page 28, Farm Bureau should be capitalized in "county Farm Bureau."

Margit, thanks again for the opportunity to offer our comments.

Sincerely,



John R. Gamper
Director

Taxation and Land Use

cc: Honorable Pat Johnston
Contra Costa County Farm Bureau
Sacramento County Farm Bureau
San Joaquin County Farm Bureau
Solano County Farm Bureau
Yolo County Farm Bureau

10 January, 1995

Margit Aramburu
Executive Director
Delta Protection Commission
14219 River Road
P.O. Box 530
Walnut Grove, California 95690

Dear Margit:

Thank you for the opportunity to comment on the current Delta Protection Commission Land Use and Resource Management Plan for the Primary Zone of the Delta. Wheelabrator Clean Water Systems - Bio Gro Division (Bio Gro) fully supports the goals of the Plan to preserve agriculture and water quality in the region.

As a company specializing in the beneficial use of biosolids, Bio Gro works with farmers to develop fertilization plans including biosolids. Bio Gro agrees with P-5 in the Agriculture section of the Plan, "Local governments shall support current and alternative programs to develop economically viable alternative types of fertilizers, pesticides and herbicides as long as crop production levels and agricultural income can be maintained." The beneficial use of biosolids at agronomic rates provides farmers with an economically viable alternative to chemical fertilizers at a significant cost savings.

However, the language in the Utilities and Facilities section does not address the beneficial use of biosolids for agriculture in the Delta. Beneficial Use programs are established based on the soil and fertilization needs of specific agriculture crops. Biosolids are then applied at agronomic rates (rates that match the fertilizer needs of the crop) which vary depending on the crop to be grown. The difference between beneficial use and dumping or construction of processing facilities lies in the benefits to agricultural land and production.

Currently, biosolids application is regulated on the federal, state, and, in some cases, local levels in California to ensure that biosolids are applied in a manner to protect public health and the environment while providing benefits to agriculture. For example, the Regional Water Quality Control Boards issue permits for biosolids application based on specific qualities of individual farm fields. Each permit must conform with the procedures outlined in the California Environmental Quality Act (CEQA) which establishes that these practices will not have a negative impact on the environment.

Beneficial use of biosolids plays a role in the protection of the long-term viability of agricultural land through economic and agronomic benefits.

- Biosolids must meet regulatory criteria set forth by federal EPA 503 regulations, Regional Water Quality Control Boards, California Food and Agriculture licensing, CEQA, and local review of comprehensive management plans.
- Beneficial use of biosolids benefits farmers; it does not have the same impact as facility development or dumping on farmland.
- Beneficial use of biosolids corresponds to the Delta Protection Plan goals of preservation of agriculture and water resources.
- Biosolids are a slow release fertilizer and are less water soluble than chemical fertilizers which benefits the Delta.

Section P-3 of the Utilities and Infrastructure section forbids the use of biosolids on agricultural land. Bio Gro suggests that the last sentence of this section either be deleted or replaced by the following language:

Replace: To protect long-term viability of agricultural lands in the Primary Zone, neither treated wastewater nor biosolids shall be released onto or into such lands.

With: **The application of biosolids as approved by the Water Quality Control Board and United States Environmental Protection Agency (EPA) appropriate at agronomic rates is encouraged to support agriculture in the Delta.**

Without this change, farmers within the Primary Zone will not be able to benefit from the agronomic use of biosolids.

Again, thank you for the opportunity to comment on the beneficial role of biosolids in the Primary Zone of the Delta. We look forward to working with the Delta Protection Commission and area farmers toward meeting the goals of strengthening agriculture and protecting water quality in the Delta. Please do not hesitate to contact me at 714/476-4080 with any questions or comments.

Sincerely,



Linda Novick
Technical Services Coordinator

cc: Delta Protection Commissioners



Delta Diablo Sanitation District

OFFICE AND TREATMENT PLANT: 2500 PITTSBURG-ANTIOCH HIGHWAY, ANTIOCH, CA 94509
TELEPHONE: (510) 778-4040 ADMIN. FAX: (510) 778-8513 ENG. FAX: (510) 706-7156 MAINT. FAX: (510) 778-8565

December 30, 1994

Ms. Margit Aramburu, Executive Director
Delta Protection Commission
14219 River Road
P. O. Box 530
Walnut Grove, CA 95690

SUBJECT: RESOURCE MANAGEMENT PLAN

Dear Ms. Aramburu:

At the District's December 14, 1994, meeting, the Board of Directors heard a presentation regarding your agency's proposed Resource Management Plan for the Delta. The presentation covered the requirements and legal authority for the Delta Protection Commission and the requirement for the Resource Management Plan. The Board, at that time, directed me to write you regarding, in particular, Utility Policy P-3, related to the complete ban on the utilization of biosolids and recycled water in the primary zone.

The Board, requests that the Commission not move forward with establishing Policy P-3 at this time. It is the Board's position that this could establish a very dangerous precedent for the perception of the use of biosolids and reclaimed water throughout the state of California. In addition, it is incumbent upon the Commission not to violate or contradict existing State laws related to the handling of these commodities. It appears from our evaluation that State law now adequately regulates the issues of disposal of biosolids and reclaimed water on any land in the state of California. In addition, the State Water Resources Control Board and the Regional Board permitting processes would deal with the very issues that have been raised by the Commission.

While we can understand the possibility that some Commissioners may consider the utilization of these lands for wastewater treatment or disposal as problematic, we do not believe that the Commission should be establishing regulations and planning policies which preclude the possibility of these uses or disposal opportunities should they be determined to be economically or politically acceptable. We would suggest that if the Commission continues to be concerned about this issue, that they withhold any final action on this policy and seek additional information and scientific and legal input regarding the appropriateness of utilization of primary or secondary zone lands for these types of uses. The Commission, if they were to find after further study and evaluation that this policy is necessary, could reconsider that at that time.

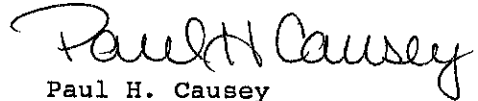
We believe that the Commission has not currently had the opportunity to thoroughly evaluate or consider the significant and extensive body of information from both State and Federal evaluations of the utilization for these commodities on all lands. We would respectfully request that the Commission withhold any action on Policy P-3, eliminate it from their Resource Management Plan, and continue to research this matter before establishing a policy which could have long reaching affects and could create confusing perception problems for the utilization of these very necessary and valuable resources.

December 30, 1994

We appreciate the opportunity to comment on behalf of the District and look forward to the Commission's positive consideration of our suggestions and recommendations. We would appreciate a response as to the Commission's actions on Policy P-3 at the conclusion of their hearings.

If you should have questions or wish additional information with regard to this letter or the Board's actions and comments, please contact me at (510) 778-4040.

Very truly yours,



Paul H. Causey
General Manager/District Engineer

PHC:dcw

cc: Tom Torlakson, Director
Jim Kelly, Central Contra Costa Sanitary District
Stan Dean, Sacramento Regional Water Quality Control District
Bobbi Larson, California Association of Sanitation Agencies